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GOVERNMENT CORPORATIONS; A FOCUS OF POLICY AND ADMINISTRATION, I*

MARSHALL E. DIMOCK
Bethel, Vermont

I

The government corporation has become a familiar device of public administration all over the world;[1] and yet in some countries, and especially in the United States, uncertainty as to its distinctive purpose and underlying principles seems to grow, rather than to diminish, as the public corporation becomes older and more extensively used. Lack of interest and research cannot be blamed, because in recent years the degree of concentration in this area has probably been relatively as great as in any other sphere of political science.[2] The basic explanation is that administrative formulas and management principles are rarely, if ever, capable of immunization against group pressures and public policy controls, which bend administration to their own designs, sometimes in conformity with what the impartial experts consider sound principle and practice, but just as often in knowing disregard of such considerations and in a determined effort to support their own interests and economic

* Based upon lectures given in the Graduate School of New York University during the summer of 1949.

The concluding instalment of this article will appear in the December issue. MAN ED.

[1] Marshall E. Dimock, "These Government Corporations," *Harper's Mag.*, Vol. 190 (May, 1945); John Thurston, *Government Proprietary Corporations in English-Speaking Countries* (Cambridge, Mass., 1937); John Hazard, "Soviet Government Corporations," *Michigan Law Review*, Vol. 41 (Apr., 1943); F. A. Bland, "Some Implications of the Statutory Corporation," *Australian Quarterly*, Vol. 9 (June, 1937); Eduard Beneš, *Nationalization in Czechoslovakia* (Prague, 1946),; and F. K. Mann, "The Government Corporation as a Tool of Foreign Policy," *Public Administration Review*, Vol. 3 (Aug., 1943).

[2] Social Science Research Council, "Research in the Use of Government Corporations" (Pamphlet, New York, 1940); Tennessee Valley Authority, "Government Corporations; A Selected List of References" (Mimeo., Knoxville, Sept., 1945); and the bibliographical references in Leonard D. White, *Introduction to the Study of Public Administration* (3rd ed., New York, 1948), Chap. IX.

viewpoints.[3] Thus in recent American political history, the device known as the government corporation is variegated and sometimes hardly distinguishable as to type, not so much because the administrative experts disagree as to principle and process, but because, being at the center of the controversy over private versus public enterprise, it is treated, naturally enough, as a means and not as an end in itself. If anyone is inclined to think of public administration as a self-contained entity capable of practical dissociation from the field of pressure groups and public policy, let him merely heed the recent battles in Congress and in the Hoover Commission over the purposes to be served and the managerial methods to be employed by government corporations.[4]

The appearance of the Hoover Commission report, *Federal Business Enterprises*,[5] and the related task force reports, *Revolving Funds and Business Enterprises of the Government*[6] and *Lending Agencies*,[7] makes this an appropriate time to consider the government corporation as a device of policy and administration and to analyze the underlying problems and principles of internal and overhead management which enter into the course which the public corporation seems to be taking. The subject has been a lively and wide-open one since, at least, the appearance of the Report of the President's Committee on Administrative Management[8] and the enactment by Congress of the Government Corporation Control Act of 1945.[9]

The distinguishing marks of the corporate device have long been con-

[3] This subject arose during the course of the Hoover Commission report. See the majority and minority viewpoints in Commission on Organization of the Executive Branch of the Government, *Federal Business Enterprises* (Government Printing Office, 1949), especially pp. 92, 104, 106, 108, and 115. The basic underlying problem has been dealt with in Pendleton Herring, *Public Administration and the Public Interest* (New York, 1936); Donald C. Blaisdell, *Economic Power and Political Pressures* (Temporary National Economic Committee, Monograph No. 26, Washington, D. C., 1941), and *Government Under Pressure* (Public Affairs Pamphlets, No. 67, New York, 1942). For the special aspect of government corporations, see J. E. Hodgetts, "Administration and Politics; The Case of the C.B.C.," *Canadian Journal of Economics and Political Science*, Vol. 12 (1946).

[4] C. Herman Pritchett, "The Government Corporation Control Act of 1945," in this REVIEW, Vol. 40 (June, 1946), and "The Paradox of the Government Corporation," in *Public Administration Review*, Vol. 1 (Aug., 1941); V. O. Key, "Government Corporations," in F. M. Marx [ed.], *Elements of Public Administration* (New York, 1946), pp. 236–263; and Hoover Commission, *op. cit.*, *Federal Business Enterprises* (Government Printing Office, 1949).

[5] Commission on Organization of the Executive Branch of the Government [hereafter referred to simply as the Hoover Commission], (Government Printing Office, 1949).

[6] Hoover Commission, Appendix J (Government Printing Office, Jan., 1949).

[7] Hoover Commission, Appendix R (Government Printing Office, Jan., 1949).

[8] Hereafter referred to as the "Brownlow Commission," *Report with Special Studies* (Government Printing Office, 1937), pp. 299–308.

[9] Public Law No. 248, 79th Cong.

sidered their autonomy of management and their self-contained finance,[10] and yet since the middle of the 1930's these characteristics have, in practice, disintegrated to such an extent that in many cases, but not all, very little that resembles principle or authenticity remains. The attributes of the government corporation, observed Pritchett in 1941, "have been disappearing before our eyes, like the Cheshire cat. Soon there may be nothing left but the smile to mark the spot where the government corporation once stood."[11] Or, in non-metaphorical language, it might be suggested that if the trends of the past fifteen years continue, in the United States all that may remain of the government corporation is its name and not its substance. To some it seemed as though the passage of the Government Corporation Control Act of 1945, which placed these agencies under a specialized budgetary and accounting control of a special nature,[12] marked the demise of the government corporation in

[10] *Encyclopedia of the Social Sciences*, "Corporations," Vol. IV (New York, 1931), and "Government Corporations," Vol. VII (New York, 1932); Marshall E. Dimock, "Principles Underlying Government-Owned Corporations," *Public Administration* [London], Vol. 13 (1935), and "Public Corporations and Business Enterprise," *Public Administration* [London], Vol. 14 (1936); Stanley Reed and others, "Government-Controlled Corporations; A Symposium," *Tulane Law Review*, Vol. 10 (1935–36); John A. McIntire, "Government Corporations as Administrative Agencies; An Approach," *George Washington Law Review*, Vol. 4 (1935–36); Ruth G. Weintraub, *Government Corporations and State Law* (New York, 1939); David E. Lilienthal and Robert H. Marquis, "The Conduct of Business Enterprises by the Federal Government," *Harvard Law Review*, Vol. 54 (1941); and Merle Fainsod and Lincoln Gordon, *Government and the American Economy* (New York, 1941), Chaps. XVIII–XIX.

[11] C. Herman Pritchett, "The Paradox of the Government Corporation," *Public Administration Review*, Vol. 1 (1941), p. 389.

[12] The principal purposes and provisions of the Government Corporation Control Act of December 6, 1945 (31 U.S.C. 841 et seq.) were these: (1) no corporation shall be created, organized, or acquired by an officer or agency of the Government except by act of Congress or "pursuant to an act of Congress authorizing such action"; (2) federal reincorporation of all state corporations with federal ownership was required prior to June 30, 1948, except for those in process of liquidation; (3) each corporation was obliged to present a "business-like budget" through the Bureau of the Budget to the President and Congress setting forth its plan of operations with due allowance to the need for flexibility; (4) estimates were required of the amount of Government capital which might be returned to the Treasury, or which might be required for restoration of capital impairment; (5) the Corporation Audits Division of the General Accounting Office was commissioned to audit the accounts annually in accordance with the customary commercial corporation auditing practices; (6) the Comptroller-General was required to report on the expenses of each, the origin of its funds, and its financial status, with comments on irregularities; (7) all banking and checking accounts of more than $50,000 were to be kept with the Treasury; (8) purchases or sales of United States obligations in amounts exceeding $100,000 were prohibited unless approved by the Secretary of the Treasury; and (9) to provide a further review of these activities, the Committees on Appropriations of the Senate and the House of Representatives established special subcommittees to consider appropriations for, and to report on, most of the Government corporations. (Hoover Commission, *Federal Business Enterprises*, pp. 5–7. For comments and explanation, see V. O. Key, "Government Corporations," in F. M. Marx [ed.], *Elements of Public Administration* (New York, 1946), pp. 246–255.

this country. Writing soon after the passage of this act, Pritchett hazarded the prediction that "the Control Act of 1945 is the latest step in ten years of retreat from the principles of corporate autonomy. It goes far toward completing the task of eliminating the features which have made government corporations useful instruments for enterprise purposes. . . . The pattern of control imposed means that, for good or ill, American experience with autonomous public corporations is substantially at an end."[13] This prediction may prove true, of course, but it seems appropriate to qualify it by observing that drifts of public policy condition administrative formulas and that, judging by our own experience as well as that of other countries, the recurrence of wars and depressions, and the seeming persistence of trends toward government ownership and natural resource development, combine to offer potentialities for the wider use of government corporations along more authentic and principled lines. When such occasions arise, as repeatedly they have in late years, then methods of administration are sought which promise the most efficient results. Cats are reputed to have nine lives.

While inclined to share Pritchett's general skepticism and concern, V. O. Key came to a conclusion relative to the prospect of government corporations which seems more moderate and hence less hazardous in terms of predictability: "Corporations have tended to acquire some of the characteristics of the ordinary department, thereby narrowing the differences between the two. Nevertheless, most corporations do retain certain distinguishing features."[14]

Whatever one may think of their specific recommendations as to administrative application, both the Brownlow and Hoover Commissions strongly supported the underlying social necessity of continued use of the corporate device. The Brownlow report on "Administrative Management" commenced its treatment of this subject with the following endorsement: "The Government corporation is a useful and efficient means of carrying out powers granted the Federal Government under the Constitution. It has proved to be an effective device not only for emergency purposes but also for the continuing operation of a variety of economic services. Its particular value lies in freedom of operation, flexibility, business efficiency, and opportunity for experimentation."[15] Among the distinctive advantages of the government corporation, emphasis was placed on "freedom from the necessity of appropriations"

[13] "The Government Corporation Control Act of 1945," in this REVIEW, Vol. 40 (1946), p. 509.

[14] V. O. Key, "Government Corporations," in F. M. Marx [ed.], *op. cit.*, p. 262.

[15] President's Committee on Administrative Management, *Report with Special Studies*, *op. cit.*, pp. 43, 299.

and greater financial freedom generally; citizen expectation of greater efficiency; participation by private interests in mixed ownership; regional decentralization and local autonomy; reduced burdens on the federal Treasury; limitation of sovereign immunity to suit; and greater freedom of internal administration.[16] "It is as important to give leeway to the corporation in its methods of doing business," said the Brownlow Commission, "as it is to define the purposes for which it is created. Freedom of operation in a proper field is one of the main reasons for using the corporate device to discharge Federal powers. Particularly in the case of permanent, as opposed to emergency, corporations, freedom of operation finds justification in the fact that they are financially self-sustaining. The balance sheet incentive is present to insure efficient and economical administration without the imposition of the usual Government controls."[17] This view is managerial statesmanship of a high order, but reference to the Government Corporation Control Act of 1945 will quickly show that Congress saw fit to circumscribe these freedoms in important respects, and particularly with reference to the corporations' borrowing powers.[18]

The Hoover Commission endorsement of the government corporation was equally positive: "We recommend that straight-line business activities be incorporated so as to secure greater flexibility in management and simpler accounting, budgeting, and auditing methods";[19] and the report starts out with the assertion that "to make possible more effective management of business enterprises, the executive branch and the Congress over the years have turned more and more to a corporate form similar to that developed in the business world."[20] The Hoover task force reports are, if anything, even more unqualified in their support of the government corporation than the report of the Commission itself. The one on *Revolving Funds and Business Enterprises of the Government* concludes that the corporate form should "be used for Government enterprises whose operations consist predominantly of business-type transactions with the public or with private industry and whose major programs are revenue-producing";[21] and the task force report on *Lending Agencies* similarly recommends that "all of the Government's lending activities be conducted by independent agencies organized in the form of Government corporations, and headed by part-time boards of directors,"[22] which in both cases would mean that some agencies not then corporate in form would be converted to that status.

[16] *Ibid.*, pp. 299–302. [17] *Ibid.*, p. 302.
[18] See summary of provisions, above, note 12.
[19] *Federal Business Enterprises, op. cit.*, p. 14.
[20] *Ibid.*, p. 5. [21] *Op. cit.*, p. 2. [22] *Op. cit.*, p. 65.

To remove these statements from their context, however, may be misleading. In the first place, it does not reveal what the respective reorganization commissions actually recommended in terms of organization and control, which in some cases ran counter to the established precepts of the corporate form. The Brownlow report, for example, recommended that all government corporations be placed under varying degrees of supervisory control within one of the major departments of government[23] which certainly is an arguable question; and the Hoover Commission recommendations would further circumscribe the financial freedoms of government corporations and standardize their powers, despite the fact that the same report pays lip-service to the principle of managerial flexibility.[24]

The second and more important reason why lifting these quotations from their context gives an incomplete picture is that it fails to explain the motivations, attitudes, and assumptions which dictate public policy and which ultimately control the organization and operation of administration. Much insight into this relationship, as has been said, appears in the Hoover Commission report on *Federal Business Enterprises*, making it the longest and also the most controversial of the reports by this distinguished group, with well over a third of it devoted to separate statements and dissents by the various members.[25] Although it is not intended to enter into this controversy here, except as some particular matter may arise in subsequent discussion, it is interesting to note in this report the admixture of policy and administration which is the heart of political and social science. Institutional organization and management go far to determine policy, while policy is everywhere present in administration, shaping it, handicapping or furthering it, and ultimately controlling its effectiveness.[26]

Government corporations in the United States have reached a crucial point in their development. They have been both numerous and powerful in the past, and there is every indication that in the troubled times that apparently lie ahead they will be called upon for additional, and perhaps even heavier, tasks. In recent years, however, a large part of the traditional freedom and autonomy associated with corporateness has been drained off or stifled. It is the purpose of this article to consider,

[23] President's Committee on Administrative Management, *op. cit.*, p. 303.

[24] *Federal Business Enterprises*, *op. cit.*, pp. 9–10.

[25] *Ibid.*, pp. 81–129.

[26] See Arthur W. Macmahon, "Congressional Oversight of Administration; The Power of the Purse," *Political Science Quarterly*, Vol. 58 (1943); Leonard D. White, "Legislative Responsibility for the Public Service," in Roscoe Martin [ed.], *New Horizons in Public Administration* (University of Alabama, 1945), and also the present author's article in the same volume.

first, some of the pressures and policies that have led to fluctuating viewpoints relative to government corporations, and then to discuss some of the most important administrative issues involved. The questions of administrative principle are chiefly these: What is so distinctive about the government corporation as to justify its claim to special consideration within the administrative hierarchy? What, exactly, is meant by autonomy in reference to corporate management? What are the financial freedoms that seem important? And how can the claim for autonomy be reconciled with the offsetting need for more complete integration at the top of the administrative hierarchy? Reduced to a single issue, how can the claimed internal efficiency of the corporate device be squared with the alleged inefficiency of non-integrated top management; and underlying this administrative issue, what are the pressures and policies involved?

II

If one were to go fully into the pressure-group and doctrinal background of the controversy surrounding government corporations, it would lead into a large area indeed,[27] and hence for illustrative purposes two issues arising in the Hoover Commission report, *Federal Business Enterprises*, must suffice: Are government corporations permanent or transitory? And, secondly, what is meant by a business enterprise of government? The answers to these policy or "economic" questions, it will immediately be seen, determine the kind of administrative arrangement most appropriate for the government corporation, because administrative mechanism must be adjusted to purpose.

In the widespread use that in recent years has been made of the public corporation by labor and socialist governments the world over, the assumption seems to have been that a corporate entity is a permanent agency—as permanent as the regular department of government—and that for running economic enterprises it is inherently more efficient.[28] It seems to have been assumed by the Brownlow Commission also that the government corporation is a permanent device; for they say: "Fed-

[27] Books such as Merle Fainsod and Lincoln Gordon, *Government and the American Economy* (New York, rev. ed., 1948), Marshall E. Dimock, *Business and Government* (New York, 1949), and Leverett S. Lyon and others, *Government and Economic Life*, 2 vols., (Brookings, 1940) deal with this subject; and even these books are incapable of exploring all the conflicts of private and public interest.

[28] See, for example, Ernest Davis, *National Enterprise* (London, 1946), Margaret Dewar, *Industrial Management in the U.S.S.R.* (Royal Institute of International Affairs, 1945), Eduard Beneš, *Nationalization in Czechoslovakia* (Prague, 1946), H. R. G. Greaves, "Post War Machinery of Government: Public Boards and Corporations," *Political Quarterly* (London, Jan., 1945), and F. A. Bland, *Government in Australia* (2nd. ed., Sydney, 1944).

eral business corporations are usually authorized as a part of a permanent national system . . . ,"[29] and again, "Particularly in the case of permanent, as opposed to emergency, corporations, freedom of operation finds justification in the fact that they are financially self-sustaining."[30]

The Hoover Commission report, however, and especially its supporting task force reports, found one of the principal virtues of the government corporation in the fact that it is administratively detached and hence detachable, temporary instead of permanent, and easily abolished when political sentiment favorable to "less government in business" makes the time ripe for such prunings. The clearest and boldest statement of this position is found in the task force report on *Lending Agencies*, one of the two reports roundly criticized for its political character by members of the Hoover Commission:[31] We find, said the Price, Waterhouse report, that "because of its commercial and *temporary* nature, . . . government lending should be conducted only through an organization form which precludes confusion of the activity with the *continuing* political functions of the Government."[32] This view was directly deduced, as were many others of the task force's administrative recommendations, from a forthright credo of political and economic beliefs that "the United States of America will continue to make the greatest progress if it continues to follow the principles of individualistic competitive free enterprise."[33] This task force report and the one on *Revolving Funds and Business Enterprises of the Government*, made by Haskins and Sells, Certified Public Accountants, brought forth a strongly worded rebuke from Messrs. Acheson, Pollock, and Rowe, who pointed out that: "Clearly the legislative branch of the Government did not grant to us the authority to roam where we wished over 150 years of Congressional *policy*. The line had to be drawn somewhere. The Commission, in all of its reports except this one, has drawn it so that we do not pass on the wisdom of substantive legislative programs. We agree that decision was the correct one. Otherwise, we should have ended by doing nothing [more] than voting our own economic and political predilections. The proper organization and administration of the executive branch is, as we have learned, more than enough to essay without venturing into policy."[34] Later in this same dissent are these words: "We

[29] *Report with Special Studies. op. cit.*, p. 300.

[30] *Ibid.*, p. 302.

[31] *Federal Business Enterprises, op. cit.*, p. 91ff.

[32] *Lending Agencies, op. cit.*, p. xi. Italics added.

[33] *Ibid.*, p. 19. The entire statement of political and economic philosophy is interesting. The report states, for example, that the driving force in a free-enterprise economy arises from "the law of self-preservation which, in a sense, is a selfish one"; that "the habit of excessive reliance upon government is demoralizing"; and concludes with the recommendation that direct lending by government be discontinued.

cannot agree with these reports. In our opinion, this is a situation in which accountants have run riot—in a field of governmental policy which they do not understand, or if they do, are utterly unsympathetic toward."[35]

Although from the standpoint of the customary etiquette and procedures of management consultants, the minority was clearly on sound ground in its criticisms, nevertheless the reports of the two task forces perform a service for political science analysis in focussing attention on the close logical connection between policy and administration.

Is one of the advantages or disadvantages of the government corporation its ability to be lopped off when the emergency for which it was created has passed or when the climate of political opinion has changed? Considering the history of public corporations the world over, it is not at all clear that a categorical answer can be given to this question one way or the other. What seems to be nearer the truth is to reiterate what political scientists have always asserted, that what happens in the field of policy as well as in administration depends on who exercises control in operating the government.[36]

Equally strong disagreement arose within the Hoover Commission over the matter of what constitutes a business enterprise. This question becomes important when it is recalled that only business or commercial enterprises of the government should be operated as government corporations.[37] If, by definition, agencies of the federal government not now operated as corporations were to be brought within the framework of business enterprises, the recommendations of the task forces and of the majority of the Hoover Commission might logically be applied to them as well, including the assumption that they should be regarded as of a temporary nature. The Commission recommended that "some agencies should be incorporated" and mentioned as specific examples of "straight-line businesses" the Veterans' Life Insurance, the Washington National Airport, and the Alaska Railroad.[38] The dissenting commis-

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[34] *Federal Business Enterprises, op. cit.*, p. 104. [35] *Ibid.*, p. 106.

[36] See, for example, R. M. MacIver, *The Web of Government* (New York, 1947); Charles E. Merriam, *Political Power; Its Composition and Incidence* (New York, 1934); and V. O. Key, *Politics, Parties, and Pressure Groups* (New York, 1942).

[37] *Report of the President's Committee on Administrative Management, op. cit.*, and authorities cited above.

[38] *Federal Business Enterprises, op. cit.*, p. 13. Other non-corporate agencies included in the list of business enterprises were the Farmers' Home Administration, the Bureau of Reclamation, the United States Maritime Commission, the Post Office, the Federal Housing Administration, the Federal Reserve Banks, the Treasury Department British Loan, the Economic Coöperation Administration, the Bureau of Indian Affairs, the National Capital Park and Planning Commission, the Puerto Rico Reconstruction Administration, and the Public Health Service (*Ibid.*, pp. 20–22).

sioners took strong exception to this general classification and to some of the purposes which they assumed the task forces were attempting to serve thereby. The task force report, said the principal dissent, "adopts the line of the private utilities."[39] "Even if it were possible," said James Forrestal, "I do not believe that it would be wise to deny to the Congress the power to authorize Government agencies to engage in direct lending."[40] "A serious defect of these reports," commented Senator Aiken, "is a narrow conception of accounting and a failure to recognize that there can be public investments yielding public returns, evaluated and appraised in terms of a system of general welfare accounting."[41]

New responsibilities placed upon the government during the past 40 years, said the principal dissent, have required it to engage increasingly in business-type operations so that today a substantial portion of federal activities falls within that category.[42] But they all have a common objective, to accomplish some authorized governmental purpose. Profit is not the goal. These enterprises are merely means to an end, such as assisting private business, and hence they do not differ materially in *purpose* from other types of governmental activity which are called "political." How, then, are business activities to be differentiated in terms of whether they should operate under the corporate form? Their answer took this form: "The significant differences between business enterprises and other Government activities do not relate to *purpose*, but are to be found in the *nature* of the activity, *operating* practices, method of *financing*, and *internal organization*."[43]

But, it may be asked, cogent as this reasoning is, does it provide a clear and practical basis for differentiating those functions that should be corporately administered and those that should be departmentally managed?

The Hoover Commission found that the federal government's 100 business enterprises, with an investment in excess of $20 billion and authorizations of $14 billion additional, fall within the following main classifications of business: the lending of money; guaranteeing loans and deposits; writing life insurance; producing, distributing, and selling electric power and fertilizers; operation of railways and ships; purchasing and selling of farm products; and the smelting and sale of metals.[44] The number of government corporations has been reduced by liquidations since the end of World War II. When the Brownlow Commission reported in 1937, there were 90;[45] at the end of the fiscal year 1946, there

[39] *Ibid.*, p. 108. [40] *Ibid.*, p. 122. [41] *Ibid.*, p. 115.
[42] *Ibid.*, p. 93. [43] *Ibid.*, pp. 94–95. Italics added. [44] *Ibid.*, p. 1.
[45] *Report with Special Studies, op. cit.*, p. 300.

were 101;[46] and the Hoover Commission found 87 as of June 30, 1948, 12 of which were in process of liquidation.[47] Of the remaining 75, the Farm Credit Administration group alone accounted for 51 corporations and the Housing and Home Finance group was next with 13.[48] Since all of the 100 federal business enterprises included in the Hoover Commission count do not fall into the category of government corporations, it is necessary to classify those that do so qualify in accordance with their relation to the structure of the economy, as follows: (1) transportation and related matters; (2) lending operations—to industry, banking, utilities, agriculture, housing, foreign trade, and foreign governments; (3) subsidy activities and price control; (4) insurance to banks, home savings institutions, and farmers; (5) housing operations; (6) national resources development, and (7) prison industries. Since 1933, government corporations have expanded most rapidly in the direction of lending operations, which possibly is the reason why the Hoover Commission report on *Lending Operations* chose to deal with the philosophy of government as well as with its organization.

With the propriety of the government's going into business at all, as a matter of public policy, we are not at this time concerned. The immediate question is, what is a business function as contrasted with a political function; because on the answer depends the justification or non-justification of government's using the corporate device in preference to the traditional departmental method.

The task force report on *Revolving Funds and Business Enterprises of the Government* suggested two acid tests which must be met: "a. The operations should be predominantly of a business nature, involving business-type transactions with the public or with private industry; b. at least the major programs should be revenue-producing." "Obviously" continues the task force report, "such operations are not susceptible of the accurate forecasting required for the preparation of the customary appropriation-type budget, and therefore the corporate form with its more flexible business-type budget offers substantial advantages."[49]

[46] *Staff Manual*, Corporation Audits Division, General Accounting Office (Mimeo.' Washington, D. C., 1946).

[47] *Revolving Funds and Business Enterprises of the Government, op. cit.*, pp. 172–173.

[48] Others were the Reconstruction Finance group and the Production and Marketing group, with two each, and single corporations in the case of the Inland Waterways Corporation, Export-Import Bank of Washington, Federal Deposit Insurance Corporation, Federal Prison Industries, Panama Railroad Company, Tennessee Valley Authority, and Virgin Islands Company. The twelve in process of liquidation included the Inter-American Affairs group and the Reconstruction Finance Corporation group, with four each, and the Home Owners' Loan Corporation, Defense Homes Corporation, Tennessee Valley Associated Coöperatives, Inc., and U. S. Housing Corporation.

[49] *Op. cit.*, p. 174.

It is necessary now to explore the practical, managerial implications of the key terms "business" and "corporation." The reports examined here show the close and seemingly inescapable connection between pressures and policies, on the one hand, and administrative organization and control on the other.[50] To conclude, however, that terms of differentiation, such as "business," are lacking in practical content and are used only to influence public attitudes and policies would be much too simple and incomplete an assumption.

Several writers have suggested the means of testing the appropriateness of a government corporation—as against an ordinary bureau or department—for the purpose of a particular program. A specific test is this: Is the enterprise one which Congress intends shall, out of its revenue, return its entire capital cost, after covering fixed charges, including return on investment?[51] The ordinary political functions of government are not expected to be entirely self-liquidating out of revenues; in fact, they may have no revenues whatever. But the commercial-type venture must generally have this objective if it is to pass the test of propriety.

A commercial-type enterprise is one in which the service or product is sold in the market, whereas most old-line government agencies are financed indirectly through pro rata division of tax receipts. Because of the requirements of the market-place, the corporate form of organization is necessary for the success of a business-type enterprise. "The market," says one commentator, "is traditionally, necessarily, uncertain. Those who ply their wares therein must expect changes of style, disasters of nature, unforeseen misfortunes, failures of trust, defects of organization, unfair competition, and new discoveries."[52] Consequently, a common condition which both private and governmental business enterprises should determinedly seek if they are to be efficient is "a sufficient degree of freedom with which to undertake experiments, adjust to changing circumstances, and make the best use of the undertaking's personnel

[50] The Hoover Commission did not recommend the liquidation of any additional government corporations on the ground that they lack the essential qualification of being a business enterprise. The report did, however, recommend the liquidation of the Inland Waterways Corporation on grounds of general social policy (*Federal Business Enterprises, op. cit.*, p. 65) and the consolidation, restriction, or creation of other agencies. On the most controversial of all issues in this area, electric power, the Commission had to conclude that agreement was impossible: "Individual members of this Commission have different points of view as to organizational and administrative recommendations on the Government's electric power and irrigation enterprises. Individual suggestions are given at the end of this report . . . " (*Ibid.*, p. 60).

[51] Lilienthal and Marquis, "The Conduct of Business Enterprises by the Federal Government," *Harvard Law Review*, Vol. 54 (Feb., 1941), p. 587.

[52] "Introduction" by Marshall E. Dimock, in John McDiarmid, *Government Corporations and Federal Funds* (Chicago, 1938), pp. x, xi.

and management assets."[53] Government corporations should be confined to commercial-type activities, and hence must not be employed indiscriminately or needlessly, because this weakens the claim of the legitimate enterprise to special consideration.

Webster's Dictionary defines "business-like" as follows: "Displaying the efficiency, system, etc., desirable in business; practical; thorough." But definitions do not tell us how efficiency and these other goals are to be achieved. One way of going about it is to say that commercial operations, being flexible, are the antithesis of bureaucratic operations, which are inflexible. This point has been stated by McDiarmid: "Customers must be pleased with prompt service; changes in method, products, and services must be made as their desirability becomes apparent; forms must be dispensed with from time to time in order to achieve results; immediate advantage must be taken of favorable markets; extensions and improvements must be made as business warrants; excessive delays, tentative commitments, and complicated procedures result in increased costs and in loss of good-will and business."[54] In short, concludes this student of the corporate device, "a commercial and competitive enterprise requires flexibility and initiative if it is to be successful."

Compare this statement with one by Professor F. A. Bland, an Australian expert on administrative matters, who, in reporting on the Australian Post Office, which is run as an ordinary department, observed amusingly: "All that seems wrong with the Postal Department is want of what is known as business management, which is difficult to describe beyond saying that in well-managed concerns unnecessary work, especially correspondence, is avoided, simple methods are sought, and brains are kept cool and clear for important matters."[55] We may be pardonably skeptical concerning the last part of this characterization—brains kept cool and clear for important matters—but the rest of it rings a bell for anyone who has experienced both kinds of administration.

The balance sheet is another valid test of the commercial or noncommercial character of an enterprise. And yet Professor Bland does well to remind us that "it would be a mistake to measure efficiency solely in the terms of balance sheets. Service rendered, rather than the profits it makes, may be more important in determining the efficiency of the Post Office. At the same time it is sheer blindness to say that service can be rendered irrespective of cost."[56]

Another excellent enunciation of this principle is found in the follow-

[53] *Ibid.*, p. x.

[54] John McDiarmid, *Government Corporations and Federal Funds* (Chicago, 1938), p. 14.

[55] F. A. Bland, *Government in Australia* (2nd ed., Sydney, 1944), p. 737.

[56] F. A. Bland, "Some Implications of the Statutory Corporation," *Australian Quarterly*, Vol. 9 (June, 1937), p. 44.

ing: "Some public corporations are not intended to show a net return, but to solve some important social or economic problem, and few, if any, were created to produce profits alone. The controlling test must be whether they have served the public well and accomplished the purposes for which they were created. The financial statement, however, should be an important measure of the accomplishment of the public corporations. . . . "[57] The fact that a government corporation is not operated primarily for profit does not justify its management in paying less attention to costs than would a private concern; in government circles it is expected to show even more.

A commercial operation must stand on its own financial feet. This leads unmistakably to the conclusion, the experts agree, that "annual Congressional appropriations do not constitute a desirable method of financing activities which are wholly or largely of a business nature."[58] The arguments supporting this contention carry considerable weight. For example, as the authors just cited point out, where a government agency engaged in a business activity must depend solely on annual congressional appropriations for income purposes, "it is inevitable that political expediencies may operate at any time to deprive it of needed funds without regard to the purely business considerations involved." Moreover, the unobligated balance of funds that have been appropriated eventually revert automatically to the Treasury,[59] whereas commercial-type ventures that retain their net earnings are stimulated to efficiency and have no interest in spending up to the limit of their resources. In addition, government budgetary and appropriations procedures are slow and uncertain and commercial ventures often cannot afford to wait until that long process is over. Extraneous political and personal factors may also enter into the picture, jeopardizing or long delaying the entire appropriation. And then, too, the business needs of government corporations, the requirements of the market and of customers, "make it the

[57] Lilienthal and Marquis, *op. cit.*, p. 565.

[58] *Ibid.*, p. 589. On this issue the Hoover Commission said: "We recommend that Congress require these agencies to conduct their business so as to recover their administrative expenses, or, alternatively, to set out such subsidies as a part of their annual request to the Congress for appropriations. *Federal Business Enterprises*, *op. cit.*, p. 15.

[59] On this question, the Hoover Commission stated: "We recommend that, as a general principle, receipts arising outside of normal activities be paid into the Treasury and that the sums necessary for the conduct of these agencies be appropriated by the Congress. This may require provision for some revolving funds." *Ibid.*, p. 16. What is meant by "receipts arising outside of normal activities" is not clear from the context. A revolving fund was defined as an operation involving the application of receipts from income or realization of assets as repayments to appropriations, thus making it possible to use the same fund over and over again for the authorized purpose." Hoover Commission, *Revolving Funds and Business Enterprises of the Government*, *op. cit.*, pp. 3–4.

part of business wisdom, during the course of any fiscal year, that funds originally intended for one phase of operations be used instead to further another need which, because of changes in the business picture, has become more pressing.[60] The conclusion seems inescapable that the government corporation, like the private corporation, can plan its program and perform its work effectively "only if it is permitted to utilize its earnings and otherwise to secure its funds on a business basis."[61]

III

Having now considered the influence of policy on administration and the concrete meaning which attaches to the term business function, the next step is to deal with the corporate concept itself. *Corpus Juris* mentions eleven characteristics of the corporation and then explains that "in all of these, not all powers are essential to corporate existence."[62] No characteristic has seemingly been so secure that it cannot somehow be lost or modified. The only essential attribute of the corporation is "the capacity to exist and act, within the powers granted, as a legal entity apart from the individuals who compose its members."[63] The chief virtue of the corporation is its autonomy, its right to "manage its own affairs."[64] In recent years the dominant emphasis in corporation law has been on the administrative and operational characteristics of the corporation and away from the metaphysical concepts of Blackstone.

Autonomy means concentrating managerial powers in the hands of competent people and giving them enough free rein to achieve the desired results. It is the privilege of being left alone so long as you do not overstep the rules laid down in advance.[65] All of the people in the United

[60] *Ibid.*, p. 588.

[61] *Ibid.*, p. 601. The Hoover Commission would limit this last-mentioned freedom by providing that "major expenditures for capital additions be made only with prior congressional approval and appropriation." (*Federal Business Enterprises, op. cit.*, p. 10).

[62] *Corpus Juris*, Vol. 14, article entitled "Corporations." For leading articles on the legal aspect of the government corporation, consult Stanley Reed and others, "Government-Controlled Corporations; A Symposium," *Tulane Law Review*, Vol. 10 (1935); Maurice S. Culp. "Creation of Government Corporations by the National Government," *Michigan Law Review*, Vol. 23 (1934–35); Lowe Watkins," Federal Ownership of Corporations," *Georgetown Law Journal*, Vol. 26 (1937–38); Peyton R. Evans, "Federal Corporations; Their Purposes and Functions," *Federal Bar Assn. Journal*, Vol. 2 (1936); and Harvey Pinney, "The Legal Status of Federal Government Corporations," *California Law Review*, Vol. 27 (1939).

[63] *Corpus Juris, op. cit.*

[64] *Ibid.* See also "Corporation" in the *Encyclopedia of the Social Sciences*, Vol. 4 (New York, 1931).

[65] Marshall E. Dimock, "These Government Corporations," *Harper's Mag.*, Vol. 190 (1945), p. 570.

States acting alone cannot run a business; Congress alone cannot run a business; but any number of people, or the government itself, can run a successful enterprise if they will but pick competent administrators and provide them with sufficient freedom to organize, staff, finance, and then run it as skilled administrators can when the conditions are conducive to success. Being a separate and distinct entity, headed by its own board of directors, the corporation is inherently better able to succeed than the ordinary department of government.

Closely related to managerial autonomy is self-contained finance. "Financial freedom is at the center of every other freedom. If you lack liberty to spend your capital or income within relatively broad limits, in all probability you will not be able to purchase the brains with which to secure success."[66] The financial features frequently found in the government corporation which are of particular interest from the standpoint of administrative freedom, says McDiarmid, are initial capitalization and consequent removal from the necessity of annual appropriations, power to borrow money, ability to retain earnings as working capital or for reserves; freedom, in the matter of expenditures, from general governmental regulations and restrictions; and freedom, in accounting and auditing, from control of regular governmental accounting officials.[67] It is in this area particularly that government corporations in the United States have been losing ground in recent years. If the government is to operate commercial enterprises at all, it is only logical that it be allowed to use commercial methods. This is the administrative argument, and it is hard to answer. But the "political" reply provides the clue to why corporations are restricted: when support for programs is lukewarm or hostile, the congressional majority will keep a tight hold on the corporate reins; but when the support is strong, as exemplified in the early years of the TVA, greater autonomy will be cheerfully granted.

An authentic or "pure" government corporation would have certain organizational, financial, and operating characteristics which would distinguish it. Suppose we set forth some of these characteristics and then choose one or two for special emphasis. If it is to succeed, the government corporation should, it seems, be organized as an autonomous unit and operated with unity of management. Congress should determine its objectives and policies, provide effective means for holding it accountable, but thereafter entrust its actual operation to the corporation's board of directors.

[66] "Introduction" by Marshall E. Dimock in John McDiarmid, *Government Corporations and Federal Funds* (Chicago, 1938), p. xi.

[67] *Ibid.*, pp. 7–8.

An effective board of directors is the key to program success. Its functions, in relation to Congress and the paid management it appoints, should be clearly defined. As in the case of Congress, the board should concentrate on policy and control and leave day-to-day administration to the management.[68] Outside, part-time boards of directors are generally preferable to full-time officer boards, which is the method widely used today. Board positions should be made to attract the best public-spirited brains the country can offer.

The Hoover Commission report, *Federal Business Enterprises*, did not emphasize the necessity of effective boards of directors for government corporations to the extent that the general tone of the report would lead one to expect. It contented itself with the rather mild statement: "Where boards or part-time boards are established, they should be wholly advisory and be appointed by the President. Public-spirited citizens presently serve on such boards even though fees are paid only for attending meetings."[69] In the author's opinion, this solution, if widely adopted, might prove worse than no board at all. The weakening of boards of directors has been one of the principal evidences of corporate disintegration in Washington; Congress' attitude toward strong boards is not too sympathetic, possibly because of some fancied jealousy.

Why is it that Congress has permitted the board function to be neglected so that power has come increasingly into the hands of a small number of officers of the government corporations? Lack of knowledge about what was happening may be one explanation. A desire to "run things" without board "interference" is a characteristic of many modern-day managers, and hence may be accounted another factor. But these explanations are not the whole of it. Underlying them is another factor which must be brought out into the open and examined: it is possible that Congress has not yet decided whether it really favors boards of directors because of uncertainty as to what boards are supposed to do that Congress and the management of the corporations cannot do as well or better. Let us, therefore, try to answer this question in the light of experience and public policy.

At first thought, it seems self-evident that Congress *is* the board of directors. Does not Congress determine the objectives, the powers, and organization of the enterprise, provide its financial support, and hold it ultimately accountable for its acts? And are not many of these

[68] This principle was emphasized by both the Brownlow and Hoover studies. President's Committee on Administrative Management, *Report with Special Studies*, *op. cit.*, p. 303; Hoover Commission, *Revolving Funds and Business Enterprises of the Government*, *op. cit.*, p. 175.

[69] Hoover Commission, *Federal Business Enterprises*, *op. cit.*, p. 10.

functions performed by the board of directors of a private business corporation? The trouble is that the analogy is not entirely appropriate. Congress is the *over-all* board of directors; it determines the *major* objectives, policies, and controls. Congress is analogous to the stockholders' committee of a private corporation. The government corporation's own board of directors, in contradistinction, is the *operating* board of directors, determining the *minor* matters of policy, organization, and control. It is analogous to the executive committee of a corporation. Obviously, Congress cannot itself determine and decide every question that arises in the course of carrying out public policies. In the early history of railroad and public utility regulation, for example, the state legislatures attempted to set rates and make other quasi-legislative determinations; but they soon found that separate administrative commissions were better suited to the function and that when the legislature itself attempted to dip into needless details, more important questions of policy and decision were perforce neglected.

The situation with regard to federal corporations is analogous. Thus, in the case of the Reconstruction Finance Corporation, Congress determines that loans may be made to railroads in financial trouble. But Congress can hardly be expected to determine whether that condition exists in individual cases. That is the function of the board. Likewise, when the TVA receives congressional authority to build a dam, the board is allowed to decide the manner in which the job shall be done; when the Panama Railroad Company is permitted to build and operate ships, its directors determine what the rates shall be; and when Federal Prison Industries is told that it must not sell its products in competition with private industries, it is then allowed to determine what goods shall be produced so long as this injunction is observed.

In every field now occupied by government corporations, there are important decisions of this nature which must be made, and Congress is not the agency to make them, even if it had the time. It is not close enough to the day-to-day situation. As every practical observer of government knows, *there is an important area of sub-policy and decision-making midway between the over-all action of Congress and the point where the administrator takes up. It is this area that a representative and resourceful board of directors must occupy if government corporations are to operate with efficiency and accountability.*

Officer boards tend to become careless of public funds and, because of the preoccupation of their members with administrative duties, incapable of formulating broad and business-like programs of action. They lose touch with the public viewpoint, and even the viewpoint of the

professional group with which they have previously been connected. Politics and bureaucracy come in as business standards are relaxed. The director with the outside viewpoint, on the other hand, is principally conscious of performing a public trust, of bringing to the enterprise the best judgment of his professional group, and of checking up carefully on the management for something that he will be blamed for if mistakes are made. These are the men—the non-officer, non-salaried men—that Congress should have to serve as its *alter ego*, as members of the boards of directors of government corporations.

Another reason why Congress itself should not be required to serve as the board of directors of government corporations is that *every* federal agency has a layer of officials serving a board purpose. In the regular departments, it is the secretary and the assistant secretaries who constitute, in effect, a board of directors with authority delegated to them by Congress to promulgate sub-policy. The commissioners of the so-called headless fourth department—the regulatory commissions—also have important quasi-legislative as well as quasi-judicial powers. So, if Congress should insist on a board of directors for government corporations, it would merely, in effect, be doing for them what it has already done for the departments, commissions, and independent establishments.

Non-officer boards of directors are essential not only for policy reasons but also for control purposes. The best way to avoid inefficiency is to catch it when it starts. The best way to detect inefficiency early and to set about putting things right is to introduce into the organization an internal control mechanism. This mechanism is the board of directors. Here again, actual experience confirms our logical analysis. Anyone who has been closely connected with the affairs of the Panama Railroad Company since the United States government took it over in 1904 can testify to the fact that one of the chief reasons for that corporation's financial and administrative success has been a first-rate board of directors chosen predominantly from the outside.[70] In contrast, there are many things that were allowed to happen in the Reconstruction Finance Corporation that probably never would have occurred, or would have been rectified much earlier, if a non-officer board had been on the job. The Corporation Audits Division of the General Accounting Office reported in 1945 that accounting records, reporting, and record-keeping procedures have not been utilized by management as an instrument of control; there has been a fundamentally deficient assignment of record-

[70] Marshall E. Dimock, *Government Operated Enterprises in the Panama Canal Zone* (Chicago, 1934).

keeping and reporting responsibilities between RFC employees and the Federal Reserve Banks.[71] Where a real board is lacking, or where board-management duties are combined, sooner or later the management tends to become unbusinesslike and careless.

When a board is created, it must be more than a board in name only. The classic illustration of this point is the Inland Waterways Corporation. When an administrative survey of this agency was made in 1934, at the invitation of the Secretary of War, a real board of directors was recommended.[72] Instead, the management (which had become a one-man show) appointed an advisory board, which rarely met and possessed no real authority, acting only as window-dressing and pressure-group support. The need for a real board of directors for this agency is as great today as when the recommendation was made.

Whether there should be a board of directors for government corporations depends largely on whether there are indispensable and distinctive functions which only a board can perform. It is believed that there are such functions. To begin with, there is the *sub-policy-making* area of board operation, adverted to above, wherein the board spells out in detail the broad general objectives and policies established by Congress in the charter, in legislation, and in appropriation acts. Then there is the *internal budgetary program*, that aspect of corporate management which receives most of the attention in the board meetings of private corporations, when semi-annual, quarterly, or even more frequent checks on the management's record of expenditures and revenues are made to determine whether the financial picture is satisfactory and efficiency is being attained.

Consideration of efficiency leads to a study of *organizational questions*, matters such as the coördination of planning and production, costing and sales, accounting and auditing—matters for which the professional management is responsible, but where men with related experience who approach the subject with a fresh viewpoint can frequently be of great assistance. This, in turn, suggests the area of *strategic executive appointments:* who is to be the general manager when a vacancy occurs, who are to be the department heads, and at what level should compensation be set. Here again the management is expected to recommend, but the board with a different experience can be helpful in reviewing and approving such recommendations. Next comes the field of *financial methods and*

[71] "Report on Audit of Reconstruction Finance Corporation," Fiscal Year Ended June 30, 1945, House Doc. No. 450, 80th Cong., 2d Sess. (Government Printing Office, 1947), p. 9.

[72] Marshall E. Dimock, *Developing America's Waterways* (Chicago, 1935), pp. 55. 80, 112.

reporting, principally accounting and auditing procedures, with the latter of which the board is most directly concerned. These, as pointed out above, are areas wherein full-fledged boards of directors would have been of the greatest use in the case of government-owned corporations.

And finally there is the whole area of *public relations*, consisting of relations with customers, employees, interest groups, and other agencies of the government, in which it is of the utmost importance to have outside viewpoints and criticisms and informed individuals able to explain and even to defend in cases where the objectivity of the professional management might not be considered so reliable. The corporate board of directors, therefore, performs many functions which cannot be discharged so well, or even at all, either by Congress or by the paid management.

It is important, however, to set forth also what the board of directors should *not* attempt to do directly and through its own officers and machinery. It should not undertake detailed, day-to-day administration. Its job is policy and checking on results. Detailed administration is the job of management. Under no circumstances should this line of demarcation become obliterated and the policy board try to discharge functions which belong to others. The carrying out of board policies and the recommendation of policy for board approval is the sphere of management and management alone.

If any group of men or any individual official is to perform to capacity, the condition precedent is that the job be clearly defined. One of the most objectionable results, therefore, of the failure to define separately the functions of the board of directors and their distinctive duties as against those of the paid staff is that the efficiency of internal management suffers from the consequent becloudment. An undefined function is a job not done, or at best only partially done. Our present task, therefore, is to consider the realm of internal management and the relationships which should ideally exist between it and the board.

There are two distinct but related aspects of this question. The first is autonomy of management, the second unity of management. Here we shall be primarily concerned with the latter. *Autonomy* of management means that the enterprise as a whole is sufficiently free from *outside* restrictive and repressive controls to be able to operate as a single, unified, and efficient entity. *Unity* of management is a concept which grows out of and is closely related to this idea of autonomy: unity of management means that the *internal* management has a single, coördinated leadership under which all elements needed for success are combined in a manner conducive to efficiency and flexibility.

The outstanding advantage of the corporate device in government is that, without lessening public accountability, it allows management that degree of internal freedom required for distinguished administration. And yet we would do well constantly to remind ourselves of two things—that there is no innate magic in the term "corporation," and that what is required is not a stereotyped form of administrative organization but propitious conditions under which managerial skills are most likely to fructify. It is helpful, therefore, to try to define just what is involved in producing unified and progressive management.

Some of the factors which produce unity of management are these: (1) A clear division of area and personnel as between the determination of policy and its execution. (2) A single executive with adequate authority to direct and coördinate all parts of the internal organization. (3) Opportunity for the chief executive to present his plans for consideration and clearance by the policy board. (4) A clear definition of major and related objectives, from the top to the bottom of the organization. (5) The formulation of policies related to and designed to carry out the stated objectives. (6) Accurate analysis of what each person in every position is expected to accomplish. (7) An organization scheme divided logically into functional areas, but so interrelated as to secure coördinated effort. (8) Concentration at the top in planning, direction, and control, together with the deconcentration of execution as far down the line as possible. (9) Area decentralization to accompany administrative delegations of authority, thus working toward initiative and flexibility at the periphery where most of the actual service is rendered. And finally, (10) freedom from outside "interference" with personnel, purchasing, accounting methods, and the like, which force the management into a rigid mould and deprive it of freedom to experiment, adapt, and excel.

If he attends fully to his duties, the chief executive has all he can do without trying to combine his work with something else, such as a major policy job. Here are some of his responsibilities: to transform objectives into work programs; see that policies are adhered to; supervise his department heads; meet emergencies as they arise; create and refashion organizational arrangements as required; choose his top personnel; delegate authority; create methods of testing accomplishments and efficiency; see that with responsibility there goes a corresponding authority; promote, discipline, inspire, and fire personnel; see that all parts of the program move forward smoothly and synchronously; install adequate accounting and reporting methods; provide necessary staff services; secure coöperation and improve the tone of the organization; handle the external relationships of the organization; detect the appear-

ance of red tape and bureaucracy and take steps to eliminate them; keep abreast of new developments in his field; and still have time to survey new goals and improve methods of operation and recommend them to his policy board.

To the extent that Congress is assured that its policies, financial authorizations, and efficiency standards are being carried out in practice, it can afford to grant the corporate managements that degree of autonomy required for successful operation. It is believed that the Government Corporation Control Act of 1945 provides Congress with that assurance and that, if anything, the act goes too far toward standardizing and restricting the necessary freedoms of government corporations.[73] Congress' next step, therefore, as suggested by the Hoover Commission, should now be to devote as much attention to the matter of corporate characteristics and the improvement of the organization and internal management arrangements of the government corporations as it gave in 1945 to their legal and financial aspects.

[73] In assessing the probable future of corporate autonomy, under the 1945 legislation, V. O. Key arrived at the conclusion: "If the Government Corporation Control Act really results in a 'commercial' type of audit, it will not narrow corporate privileges in this regard." "Government Corporations," in F. M. Marx [ed.], *Elements of Public Administration*, *op. cit.*, p. 262. However, there is no question that centralized controls have been increased, resulting inevitably in lessened managerial authority and initiative. The restrictions are felt more in the areas of borrowing and undertaking new capital investments, however, than in the areas of budgeting and auditing, except as these affect the former indirectly.

AMERICAN GOVERNMENT AND POLITICS

THE INFLUENCE OF THE TENNESSEE VALLEY AUTHORITY ON GOVERNMENT IN THE SOUTH

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Recent observers have offered evidence that social and economic change is coming to the South more rapidly than to other sections of the country.[1] There can be little doubt in the minds of those who know the region that TVA has played a prominent part in effecting the transformation.[2] The effect of the operations and activities of TVA has been quite as marked upon the governments as upon the society and economy of the region.

We should not lose sight of the fact that TVA has had substantial effect upon government throughout the country, and indeed throughout the world. This effect is not restricted to its power, engineering, and atomic energy achievements. TVA's resource-use activities, while designed primarily for the Valley region, are in many respects transferable to other areas. For present purposes, however, we are concerned only with the effect of TVA on Southern governments.

Much has been written about TVA, and especially about its "grass roots" approach to the problems entrusted to its stewardship. The writings of Clapp, Durisch, Lilienthal, and Satterfield have copiously documented this aspect of the Authority's influence upon the nation's governmental establishments. There yet remains, however, the task of a forthright assessment of the effect of TVA upon governmental institutions and processes. What changes have come to Valley governments which might not have come had there been no TVA? What are those governments now, in matters of structure, program, techniques, competence, vision, and relationships, that they might not have become if the great Valley experiment had never been undertaken?

The influence of TVA on local governments in the Valley cannot be proved by outright comparison with local governmental developments in other regions, since there are so many variable factors affecting the issue. To compare the changes in local governments since 1933 in Tennessee and, say, Iowa would be idle. One imponderable difference between the two is that Iowa does not have Mr. Crump to retard and frustrate her political development. There are many other similar variable factors. Our analysis, therefore, must be of the TVA and the governments it has affected as a unique complex of relationships.

Many of TVA's early opponents expressed fear that a regional authority would before long undermine and destroy the state and local governments in the Valley. Although there is some slight evidence that TVA was not at first

[1] Howard W. Odum, "Social Change in the South," *Journal of Politics*, Vol. 10 (May, 1948), pp. 242–258, at p. 244.

[2] Gordon R. Clapp, "TVA: A Democratic Method for the Development of a Region's Resources," *Vanderbilt Law Review*, Vol. 10 (Feb., 1948), pp. 183–193, at p. 191.

motivated by its "grass roots" philosophy,[3] the facts of the Authority's situation offered little choice. It could not have won a head-on conflict with embattled local governments in the Congress. Should we not be realists and admit that, if disposing powers had been vested in TVA, it would have sought to exercise them to the best advantage? In such a case, we would today have had bureaucracy, rather than democracy, on the march in the Valley. TVA apologists are emphatic in their assertions that state and local governments have not suffered from the presence of the Authority in the region. Perhaps the best expression is that of Lilienthal: "It is indisputable from the record that state government is stronger in the Tennessee Valley today than it was ten years ago and has more functions to perform. It is notably true that local community government and functions are more vigorous. I know of no other place in the United States of which this can be said with equal basis in performance."[4] Formal statements issued in 1944 by seven Valley state governors, at the request of the St. Louis *Post-Dispatch*, buttress this position.[5]

Techniques and Methods. A better understanding of the effect which TVA has had upon state and local governments can be achieved after a brief analysis of the techniques and methods used by TVA in its approach to the localities. Much has been written on the subject of TVA's system of decentralized administration since the statement in the 1936 annual report that "the planning of the Valley's future must be the democratic labor of many agencies and individuals, and final success is as much a matter of general initiative as of general consent."[6] So thoroughly has the concept of "grass roots" administration been explored that there is no need to elaborate it further here.

It is at once apparent that the degree in which TVA seeks local and state administration in the prosecution of its goals varies with the program at hand. Its construction and operating functions in power production, for example, are conducted entirely alone. Even in the field of research, some projects, like

[3] Herman Finer, *The T.V.A.; Lessons for International Application* (Montreal, 1944), p. 115.

[4] David E. Lilienthal, *TVA—Democracy on the March* (New York, 1944), p. 126. See also Gordon R. Clapp, *op. cit.*, p. 191, and M. H. Satterfield, "TVA-State-Local Relationships," in this REVIEW, Vol. 40 (Oct., 1946), pp. 935–949, at p. 948.

[5] St. Louis *Post-Dispatch*, Dec. 31, 1944, 3, 1.

[6] Quoted in Lawrence L. Durisch, "Regional Research—The Experience of the Tennessee Valley Authority," *Public Affairs*, Vol. 4 (Summer, 1945), pp. 234–238, at p. 235. See also David E. Lilienthal, *The TVA: A Step Toward Decentralization* (Washington, 1941), p. 6; same author, *TVA—Democracy on the March*, p. 125 ff; M. H. Satterfield, *op. cit.*, p. 936; same author, *Tennessee Valley Resources; Their Development and Use* (Knoxville, 1947), p. 9; Donald C. Kull, *Budget Administration in the Tennessee Valley Authority* (Knoxville, 1948), p. 5; Gordon R. Clapp, *op. cit.*, p. 185; same author, "The Administrative Resources of a Region; The Example of the Tennessee Valley," *New Horizons in Public Administration* (University, Alabama, 1945), pp. 79–95; same author, "Public Administration in an Advancing South," *Public Administration Review*, Vol. 8 (Summer, 1948), pp. 169–175, at p. 171; Herman Finer, *op. cit.*, pp. 114–120; Hayden B. Johnson, "Federal-State-Local Coöperation: The Tennessee Valley," *State Government*, Vol. 10 (Oct. 1948), pp. 214–218.

those involving fish and game, are conducted by the Authority itself. On the other hand, there are programs in which the Authority provides little more than an initiating interest. In the resource-use programs, the Authority's interest is constant and pervading; it is in this area especially that the "grass roots" approach is followed.

The manner of contact between TVA and local governments is quite varied. In normal course, the TVA serves as a clearing house for ideas and projects. Intergovernmental contact may resolve itself in terms of advice and assistance. Or, as in the case of a local planning problem, the request for assistance may be channeled to the state agency. Problems affecting the whole region frequently are met by the establishment of continuing coöperative machinery under contracts among the participating governments or agencies. The Authority's part in such an enterprise may take the form of furnishing manpower, doing a part of the work, reimbursing the local government for costs incurred, or merely meeting periodically to consult and plan. Payments made to local governments in lieu of taxes lost as the result of TVA operations amount in most instances to not much more than "just a little extra money to spend,"[7] although these payments are sometimes quite substantial in comparison with those of the submarginal taxpayer of bygone days. Outright grants of funds or property, except in the cases where lake-front property is donated for public parks, are seldom made.

The essential factor in the approach of TVA to state and local governments and agencies is research. In a new governmental agency, this must necessarily be the case.[8] There is hardly a single aspect of the entire area of TVA relationships with Valley governments in which planning and research are not involved. This fact explains, at least in part, the even and successful course of the Authority's intergovernmental relations. It is fairly easy to achieve a meeting of minds in the prosecution of research activities. A regional research conference, as many Southern political scientists have learned, can become an intellectual love feast, producing not only nourishment but also abiding affection. Lines of authority, if they are drawn at all, are ignored, and all eyes are focussed upon the goal of the project. It is in large measure due to this atmosphere surrounding its relationships that the "grass roots" system of administration has flourished and TVA has earned its reputation as the most effective coöperator among American governmental agencies.

Governmental Programs. Our comment thus far has dealt with the general framework in which TVA operates to exert its influence upon local governments. Let us now examine some of the principal aspects in which that effect has been

[7] Karl A. Bosworth, *Tennessee Valley County* (University, Alabama, 1941), p. 114. See also Lawrence L. Durisch and Hershall L. Macon, "Payments in Lieu of Taxes by the Tennessee Valley Authority," *Journal of Politics*, Vol. 3 (Aug., 1941), pp. 318–334; Alexander T. Edelmann, "Public Ownership and Tax Replacements by the T.V.A.," in this REVIEW, Vol. 35 (Aug., 1941), pp. 727–737; Tennessee Valley Authority, "Report on Section 13 of the TVA Act" (Mimeo., Knoxville, 1944).

[8] Durisch, *op. cit.*

manifested. Perhaps the most pervasive effect has been felt in relation to the quality and extent of the governmental programs in which the Authority has chosen to interest itself. The impact of TVA upon state and local governmental programs has been tremendous, especially in the fields of power distribution, natural resources administration, and research and planning in general. It is needless to catalogue it here, since the task has already been performed in the writings of M. H. Satterfield[9] and in the studies produced in the Valley states in the resources administration project.[10] The present contribution must rather be to point out the principal areas in which the Authority's influence has been felt in program and to analyze the variety of that influence.

The actual physical effect of TVA developments upon the things governments do in the Valley is extensive. The writings of many persons in the area of governmental relationships incline us to an emphasis upon the social, political, and administrative aspects of TVA, to the incidental disparagement of its tremendous engineering and physical accomplishments. One has to dash out to observe a dam in operation occasionally to dispel the illusion that TVA is no more than a sizable group of nice, easy-going, but extremely effective, experts in public and governmental relations. The impact of the construction program upon the geography of the Valley changed many a local government's political and administrative way of life.[11] The necessity for basic economic adjustments aroused widespread citizen interest across the entire program front of many local governments. Several of the Valley towns have doubled in population since 1933; Oak Ridge has sprung from a rural area to a city. New business and industry, arising both from new opportunities offered by power and navigation developments and from efforts to checkmate and counteract soil erosion, have enriched the tax base and provided more ample support for all governmental activities.

The most sweeping effect upon governmental program has been in the public distribution of power. Satterfield wrote in December, 1947, that there were "139 locally-owned distribution systems . . . [serving] consumers in some 400 towns and cities and in over 1,600 unincorporated places and rural communities. The service area consists of approximately 80,000 square miles, and has a population of about 5,000,000 people. The service area extends into seven states."[12] Perhaps never before in history has an aspect of governmental

[9] Especially his "TVA-State-Local Relationships," *op. cit.*, and *Tennessee Valley Resources; Their Development and Use.*

[10] Robert Baker Highsaw, *Mississippi's Wealth* (University, Mississippi, 1947); Christian L. Larsen, *South Carolina's Natural Resources* (Columbia, 1947); Joseph M. Ray and Lillian Worley, *Alabama's Heritage* (University, Alabama, 1947); Paul W. Wager and Donald B. Hayman, *Resource Management in North Carolina* (Chapel Hill, 1947); Lee S. Greene, Virginia H. Brown, and Evan Iverson, *Rescued Earth* (Knoxville, 1948).

[11] See Finer, *op. cit.*, p. 96; Lilienthal, *TVA—Democracy on the March*, p. 64.

[12] *Tennessee Valley Resources; Their Development and Use*, p. 30; for earlier figures on the same point, see same author, "Intergovernmental Coöperation in the Tennessee Valley," *Journal of Politics*, Vol. 9 (Feb., 1947), pp. 31–58, at p. 53, and Lilienthal, *Democracy on the March*, p. 135.

program over a wide geographical area been influenced more drastically by a peacetime development.

The influence of TVA upon resource-use programs has run to almost infinite variety. The Authority's appetite for such programs appears insatiable. It is continually seeking to fill up interstices and to point up opportunities previously overlooked.[13] Its water resource-use activities in power development and flood-control have been almost entirely unilateral. The same is true of efforts to promote navigation, except in the assistance given to cities in planning and developing dock facilities. State water-use activities are meager in the Valley region,[14] but TVA activities have by example stimulated and broadened the horizon of the United States Army Engineers. The Authority's interest in stream pollution has been manifested in assistance given to state and local pollution studies and in coöperative demonstrations of pollution control.[15] Stream pollution controls may have come regardless of TVA activities, but the Authority has clearly contributed impetus to the movement.

TVA's interest in soil-use research and demonstration programs has been directed primarily to integrating and extending the activities carried on by the land-grant college operations in the region. Since the land-grant colleges are in large measure agricultural outposts of the federal government, TVA activities in this program area have served to synthesize federal as well as state and local activities. TVA participation has clearly affected the direction, extent, and amount of soil-use work. Forestry activities of TVA extend to coöperative research, the encouragement of fire protection, and the demonstration of proper management and cutting practices. It is especially in the latter area that TVA has made its influence felt upon state programs.[16]

The effect of TVA upon resource-use programs in the Valley has been felt least in the areas of wild-life and minerals. The Authority has conducted research on fish-life in its own lakes. Its earlier fish-hatchery activities have either been abandoned or turned over to the United States Fish and Wildlife Service.[17] State administrative activities in the South in the field of mineral resource-use are almost non-existent. But TVA has coöperated with North Carolina in establishing a minerals-testing laboratory at Asheville.[18]

The very existence of the great dams and lakes in the Valley has worked quite as substantial an effect upon recreational resource-use programs of Valley governments as upon the topography of the region. Before TVA came, state and municipal governments almost completely ignored the parks function. In several states, departments of conservation have been organized to include

[13] See works cited above, note 10.

[14] See Ray and Worley, *op. cit.*, pp. 36–37, for a discussion of the Alabama State Department of Docks and Terminals.

[15] Wager and Hayman, *op. cit.*, p. 161; Satterfield, *Tennessee Valley Resources; Their Development and Use*, p. 33.

[16] Satterfield, "TVA-State-Local Relations," *op. cit.*, at p. 948.

[17] Ray and Worley, *op. cit.*, p. 66; Satterfield, *Tennessee Valley Resources; Their Development and Use*, pp. 38–39.

[18] Wager and Hayman, *op. cit.*, p. 44.

a full-fledged parks division. The original attack upon the problem took the form of coöperative research and planning.[19] The Authority has established and operated several parks on its own properties. Some of these and other TVA lake-front properties are leased or given to state and local park agencies. Activities thus far have hardly scratched the surface of the recreational potential of the Valley; it is thus in this area that one may look in the future for TVA's greatest effect upon state and local resource-use programs.

TVA has had some effect also upon public health programs. Its interest has been in coöperative research programs relating to tuberculosis, malaria, malnutrition, and occupational disability. Perhaps the most far-reaching of these investigations is a southwestern Virginia undertaking, involving coöperation with state health and agricultural agencies in research in malnutrition, in what has been called the "soil-plant-animal-man relationship."[20]

The Authority's principal contribution in the area of resource-use and public health programs has been to serve as a point of synthesis and to counteract functional splintering on the state level. It is here that the region reaps its greatest profit from the presence of TVA. As a sort of clearing house on all matters relating to the region's resources, the Authority constantly minimizes conflict and shapes and improves program focus. Furthermore, the Authority quite frequently is able to spread a constructive program from one area to the entire region. And, as the program spreads, it acquires in each community "increments of prestige, quality, and spark"[21] from the very fact of its general recognition as a regional program. State and local governments profit immeasurably from the activities of a regional agency which is always awake to the region's needs and welfare, whether the problem at hand be full recreational development or railroad rate differentials.

The direct contribution of the Tennessee Valley Authority to program content in areas outside the field of resources administration has not been extensive. The effect of TVA even in these areas, however, should not be dismissed as negligible. Many of the Authority's activities bring indirect results far beyond their original purpose. For example, the Authority's participation in the establishment of a bureau of public administration at the University of South Carolina will have a profound effect upon that state's government in general. South Carolina is outside the prime orbit of TVA. Certainly the problems of the general government in South Carolina do not fall within the purview of TVA's assignment. And yet the South Carolina bureau of public administration, which might not have been established in the absence of TVA support of its first major research undertaking, will exert a strong influence toward the improvement of government in its state. Thus the influence of TVA upon the

[19] Durisch, *op. cit.;* Lilienthal, *TVA—Democracy on the March*, p. 130; Satterfield, "TVA-State-Local Relationships," *op. cit.*, p. 946.

[20] Satterfield, *Tennessee Valley Resources; Their Development and Use*, p. 124.

[21] Gordon R. Clapp, "The Administrative Resources of a Region," *op. cit.*, p. 93; cf., same author, "TVA: A Democratic Method for the Development of a Region's Resources," *op. cit.*, p. 190.

government of South Carolina is seen to extend far beyond the original scope of the Authority's recognized field of interest.

Training. The general point of TVA's effect over and beyond the field of resource administration is further illustrated in the case of the Southern Regional Training Program in Public Administration.[22] From the beginning, TVA has participated in planning and directing the program. It is obvious that the conduct of such a program over a span of years will greatly increase the trained manpower of the region. This increment will derive not only in terms of the number of fellows graduated; it will manifest itself also as the affected universities are better staffed and equipped to train for advanced degrees. It is difficult to exaggerate the importance of this development to the governments of the region.

Some assistance has been given to higher education in general. As pointed out above, TVA has interested itself in programs of resource-use and health education, particularly at teacher-training institutions. It also is active in promoting the training of vocational teachers in agriculture[23] and improving teaching and research in the engineering schools of the region.[24]

The chief concern of TVA in this area is in-service training. The Authority's interest has been sustained, but thus far a region-wide program in in-service training has not eventuated. A conference to deal with this problem met at Fontana in 1947;[25] it may prove to be the entering wedge for yet another coöperative program in the Valley states.

Governmental Research. The Southern bureaus of public administration are producing monographs and pamphlets at an amazing rate. The Valley states can at present be clearly designated as the region most effectively documented by research and analysis of state and local government. Of course, a large share of the credit for this development goes to the pioneer bureau at the University of Alabama and to the energy and vision of its director. It must be admitted, however, that TVA has encouraged and helped shape the growth of the movement all along the way. This is just another way of saying that TVA, when it sees a good wagon rolling, puts a hefty shoulder to the wheel.

The coöperative research projects in public administration led to the establishment of two bureaus of public administration and the revival of a third. The Authority has matched, in money and services, the entire allotment from all the participating bureaus. The particular projects undertaken have hewed closely to the main line of the Authority's interest. When this type of project has been exhausted, the region's governments will have been enriched by valuable research monographs, by established and operating bureaus of public

[22] Lee S. Greene, "Regional Research and Training in Public Administration," *Public Administration Review*, Vol. 7 (Autumn, 1947), pp. 245–253; Howard White, "The Southern Regional Training Program in Public Administration," *Journal of Politics*, Vol. 8 (Feb., 1946), pp. 74–85.

[23] Satterfield, *Tennessee Valley Resources; Their Development and Use*, p. 133.

[24] *Ibid.*, p. 106.

[25] Clapp, "Public Administration in an Advancing South," *op. cit.*

administration, by charted channels for regional coöperation in governmental research, and by the broadened horizons of Southern political scientists.

One important effect which TVA has had upon governments of the South has been that of the product of the Department of Regional Studies, especially the product of the Government Research Division. Such studies as *County Government and Administration in the Tennessee Valley States*[26] have filled a great need. Coöperative municipal surveys have been made for municipalities in the Valley. Special research efforts on such matters as library service are constantly being produced. Community planning commissions, sponsored in general by TVA, are turning more frequently to governmental research.

Planning. Some of TVA's most constructive influence has been exerted in the field of planning. The cue for the Authority's entrance into this area was the physical dislocation of cities when the dams were closed and the lakes filled. The Authority chose to work through state planning commissions in bringing aid to municipalities. While TVA cannot take full credit for the existence of state planning commissions, the expanded planning programs and widespread acceptance of planning activities are attributable to the Authority's early subsidies, its lending of trained personnel, and its general competence in the planning field.[27]

As a result of TVA encouragement, the movement toward state assistance to local planning commissions has reached mass proportions. A. J. Gray, of the Authority's Government Research Division, estimated early in 1948 that over 150 local planning agencies were receiving technical assistance from their respective state planning commissions—this in a region where planning was virtually unknown fifteen years ago. The new and struggling state planning commissions began to grow after 1940, when TVA established its full-fledged planning assistance program.[28] The fact that the Tennessee and Alabama planning commissions can stand on their own feet before their own legislatures is due largely to the Authority's support and encouragement. Not the least significant aspect of the entire development is that most of the planning assistance currently being given by states to localities goes to Valley state communities outside the Tennessee watershed.[29] Thus again the "grass roots" approach pays rich dividends.

Technical Services. The furnishing of technical services to state and local government is distinguishable as a concept both from planning and from academic research. One of the most difficult tasks of state government is to sell state-level technical services to localities. The Authority has done much to break down the barriers between state and local governments.

TVA has from the beginning provided Valley governments with an almost

[26] Issued by the Tennessee Valley Authority, United States Government Printing Office, Washington, 1940.

[27] W. O. Dobbins and R. F. Leonard, "Community Planning in North Alabama," *Public Administration Review*, Vol. 4 (Summer, 1944), pp. 220–225.

[28] See Finer, *op. cit.*, p. 96.

[29] Satterfield, *Tennessee Valley Resources; Their Development and Use*, p. 118.

unlimited source of technical assistance—unlimited not because the Authority's manpower resources are necessarily vast, but because it can start the ball rolling toward a time and place where the needy government or agency and the needed technical assistance achieve fruitful communion.[30] The amount of technical assistance in the Valley states is increasing and its quality is improving. The regional research project in public administration now nearing completion is devoted in each Valley state to clearing the channels between technical services and governments and agencies which need them.[31]

Structure and Machinery. There is little doubt that the very presence of TVA in the region has contributed to improvements in such matters as fiscal and personnel administration. Certainly credit for the emphasis upon planning and governmental research is due in part to TVA, and full developments along these lines will usually yield improvements in governmental structure and machinery. The corporate structure of the Authority itself has not been widely adopted by Southern governments. The South Carolina Public Service Authority, managing the Santee-Cooper project for power development and reforestation, is modeled after TVA.[32]

From the point of view of the number of new governmental agencies, the influence of TVA has been felt most in the fields of planning, libraries, and power distribution. Governmental machinery which has grown up in the field of power distribution is entirely anomalous. Not only do coöperatives abound, but a regional coöperative administrative agency is now in operation. Many of the power distributing coöperatives and municipalities are too small to perform economically such aspects of their function as accounting and billing. These coöperatives and municipalities have joined in setting up a Central Service Association to perform such functions. The Association serves the great majority of the power distribution systems outside the big cities.[33]

The impact of the Authority upon structure and organization at the state level has not been great. In some states, especially in Alabama and Tennessee, the emphasis placed upon unified resource development has contributed directly to the establishment of more or less integrated departments of conservation.

The most significant governmental machinery developed in the Valley is the large group of functional "conference bodies and committees organized on basis of a special subject-matter or professional interest."[34] Most of these groups are permanently organized coöperative control bodies for continuing ad-

[30] Lilienthal, *TVA—Democracy on the March*, pp. 117–124.

[31] Bureau of Public Administration, University of Tennessee, *Guide to Technical Services Available to State and Local Agencies in Tennessee* (Knoxville, 1948); Christian L. Larsen and Paul J. Jenkins, *Technical Services for South Carolina Governments* (Columbia, South Carolina, 1948); Robert Baker Highsaw and Edward McKenna Johnson, Jr., *Aids for Governing* (University, Mississippi, 1948).

[32] Larsen, *op. cit.*, pp. 13–14, 82–83.

[33] M. H. Satterfield, "Coöperation Pays Dividends," *National Municipal Review*, Vol. 31 (Sept., 1942), pp. 431–535.

[34] Clapp, "TVA: A Democratic Method for the Development of a Region's Resources," p. 189.

ministrative operations. These region-wide agencies would not have arisen in the absence of TVA. As Gordon Clapp says, "It takes some one agency whose primary responsibility runs to the region as a whole to perform these marriages of interest that link the efforts and thinking of a small community to the thinking and aspirations of the people of a region."[35]

Is it not revealing that the managing group of some of these coöperative undertakings is usually called a "committee"? The word "committee" presumes a larger body from which the group derives. But there is no larger body. It might well be argued that the Committee on the Southern Regional Training Program in Public Administration, for example, should more properly be called "The Tennessee Valley Tri-State Commission on Training in Public Administration." The choice of the word "committee" evidences the aversion on the part of the coöperators, and especially on the part of TVA, to a semblance of authoritative establishments. The lines of administrative responsibility from the operating agency (the "committee") back through the coöperating agencies and institutions are still present. Even here, however, the responsibility is not administrative; it is rather professional responsibility resting upon the individuals participating in the "committee's" actions.

The question raised by this line of thought is provocative indeed: Are there not many areas among the functions of government in which direct administrative and political responsibility are needlessly complicating and disturbing factors? Certainly the very existence of TVA as a corporate entity urges an affirmative answer to this query. Its burgeoning relationships throughout the Valley region offer further evidence to support that conclusion. We are therefore led to observe that TVA is not only influencing government in the South; it is also offering an amendment, or at least a modifying footnote, to orthodox administrative theory in the world at large.

Many will not be willing to bear witness as converts here except with reservations depending upon time, place, and circumstance. Given the time (1933), the place (the Tennessee Valley), and the circumstance of the vision, devotion, and guidance of general welfare zealots like George W. Norris and David Lilienthal, continuing either in person or by disciple, we must concede that insistence upon orthodox administrative arrangements would needlessly hamper the work that must be done. Would 1949, in the Missouri Valley, at the hands of lesser visionaries, devotees, and guides, and after the forces that splinter our governments functionally have marshaled their full strength against change, present identical opportunities? In other words, could the vision that has flowered in the valley of the Tennessee be harnessed and made a part of the workaday world elsewhere? One competent observer has expressed doubts on this point.[36] We must at least exercise a modest caution in proceeding from the particular to the general.

Politics. The Authority's influence upon politics in the South has been less

[35] Clapp, "The Administrative Resources of a Region," *op. cit.*, p. 93.

[36] William Pincus, "Shall We Have More TVA's?," *Public Administration Review*, Vol. 5 (Spring, 1945), pp. 148–152.

definite and direct than it has upon governments and programs. In fields where TVA is sure of its ground, as in planning, zoning, conservation of resources, and stream pollution, it has worked in the background to support new state legislation. It has also sought diligently to place control over power distribution in the hands of non-political boards of business men.[37]

Has the TVA kept out of politics? How can this be said to be true, when the Authority has amassed an overwhelming support against the repeated onslaughts of the venerable McKellar? It is naïve to say that TVA has kept out of politics. It is more truthful to say that it has defeated its political adversaries by turning in a superb political performance on the highest possible level—the level at which political friends are won and politicians influenced by the universal acceptability of the administrative end product.[38]

Is it going too far to attribute to the over-all influence of TVA at least in some measure the high level of Alabama's representation in the United States Senate and the currently low ebb in the political fortunes of Mr. Crump? To be sure, the Senator Claghorns are still with us; but the Ellis Arnalls and the Estes Kefauvers are becoming more numerous and more effective. Certainly "influence" is an exceedingly strong word to use in this connection. If, however, one concedes that the product of the electoral process can be improved by constant attention to the instruction and governmental participation of large numbers of people, then the conclusion is clear that TVA is having considerable effect upon politics.

Conclusion. Sufficient evidence has been presented to illustrate the quality and extent of the unique web of relationships which TVA has brought to Southern government. Its manifestations are myriad. The boundaries of bailiwicks are crumbling wherever program substance indicates need for concerted action. The most noteworthy elements of the "grass roots" system are constant watchfulness for new fields of coöperation, judicious consideration for lines of authority in state and local government, abstention from controversy, zeal for the general welfare, the Authority's strategic position as patron-at-large over all of the natural-resources arts, the complete absence of administrative control over regional undertakings, and the deftness and moderation characterizing the Authority's approach to other agencies and governments. The lessons which Southern governments are learning in the practice of intergovernmental relations and in the Authority's example in public relations will continue to yield benefits which will transcend in importance even the actual physical transformation effected in the Valley region.

[37] Lilienthal, *TVA—Democracy on the March*, p. 136.

[38] See H. C. Nixon, "Politics of the Hills," *Journal of Politics*, Vol. 8 (May, 1946), pp. 123–133.

THE HOOVER COMMISSION: A SYMPOSIUM*

I. INTRODUCTION

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"I do not expect that the Federal Government will ever be a model of organization, but I have aspirations to see it improve," said President Herbert Hoover in 1932. Seventeen years later, in the more than 2,000,000 words of concentrated fact and thought which constitute the reports of the Hoover Commission and its task forces, the most monumental product of government research in American history, Mr. Hoover amply proves the deep sincerity of his purpose. A wide national acclaim, phenomenal in the generally cheerless history of government reorganizations, has received the feat of Mr. Hoover and his associates. Indeed, it has become something of a mode to favor the Hoover reports, just as one opposes sin. And, just as many of us deplore sins we have never experienced, so, unfortunately, many who exalt the Hoover reports actually have never read them.

The same abundant good-will attended the creation of the Commission on Organization of the Executive Branch of the Government, later known as the Hoover Commission, by act of Congress of July 7, 1947. The act passed without a dissenting vote; President Truman signed it and spoke his own friendly attitude. Editorials were everywhere favorable. Though conflicting interests motivated the main supporters of the legislation, the Commission broke ground with unprecedented support.

The congressional act established a body of twelve members, four appointed by the Speaker of the House of Representatives, four by the President *pro tempore* of the Senate, and four by the President of the United States. Speaker Martin was required to select two from the House (Congressmen Clarence J. Brown of Ohio and Carter Manasco of Alabama were his choices), and two from private life (Herbert Hoover and James Rowe, Jr., a former administrative assistant to President Roosevelt). Senator Vandenberg was similarly directed, except that his two appointees from public life were to be senators. (His selections were Joseph P. Kennedy, former ambassador to Britain, and James K. Pollock, professor of political science, University of Michigan, from private

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life; and Senators John L. McClellan of Arkansas and George Aiken of Vermont from public life.) The act authorized President Truman to select two officials from the executive branch (Secretary of Defense James Forrestal and Civil Service Commissioner Arthur Flemming), and two from outside the government (Dean Acheson, then in private law practice, and George H. Mead, an industrialist and former member of the Federal Price Control Board). The act required each appointing officer to make his selections on a bipartisan basis.

The Commission by statute selected its own chairman and vice-chairman. Doubtless the expectation then prevalent that a Republican President and a Republican Congress would receive and act upon the Commission's report was heavily responsible for the choice of Mr. Hoover as chairman. Mr. Acheson, President Truman's principal representative on the Commission, was elected vice-chairman.

The bipartisan standard heavily influenced the Commission's work. Though Mr. Hoover has truly said that the Commission never voted along party lines, the party requirement did inject into the group men of broadly diverse backgrounds, from left-of-center New Deal to puristic pre-thirties' conservatism. The consequent divergences of attitude contributed powerfully to the conflicts, some quite intense, which the Commission had to weather. For instance, there were the clashes of individual Commissioners over interpretations of their legislative authority. The congressional grant of power to investigate the entire executive branch, while unprecedented, was also vague in explanatory directives, and the Commissioners as a practical matter had to stake out the limits of their task. According to the statute, the Commission might recommend cutting government expenditures "to the lowest amount consistent with the efficient performance of essential services," and it might even recommend the abolition of "services, activities, and functions not necessary to the efficient conduct of the government." The relation of "economy" and "efficiency" implicit in both approaches perplexed the Commission and drew heartily opposing responses from the liberal and conservative members. Mr. Hoover and like-minded colleagues contended that economy "was within their jurisdiction," including even recommendations to abolish functions. Several members identified with the Administration contended that economy was pertinent only as it related to efficiency, and that the statute's language inviting proposals of change in "the present organization and methods of operation" of executive agencies precluded recommendations for the abolition of substantive functions. In issue was the power of the Commission to range over the entire government and advocate curtailment of great national programs of social security, European aid, veterans' benefits, and so on. Had the issue gone one way, the Hoover Commission might have become the attempted beginning of a considerable conservative revolution.

This phase of authority hung in unclarified abeyance through much of the Commission's early life, but in the summer and fall of 1948 the group became increasingly more concerned with problems of administrative organization than with questions of substantive policy. Continuously, as the Commissioners ad-

vanced in their work, the more aware they became that they might perform a great service by illuminating administrative weakness, needed reforms of the executive branch, and Congress's own contribution to administrative disorder. The November triumph of President Truman rendered inexorable this more limited conception of duty. Mr. Hoover himself gave it public and official status on Armistice Day, 1948, remarking that "major functions of the government are determinable as needed by the Congress. It is not our function to say whether it should exist or not, but it is our function to see if we cannot make it work better."

Yet the conflicting doctrinal personifications of a Rowe and a Brown harried the Commission through its last and most important stage, i.e., writing its reports. For a long time as the Commission sought agreement, antagonisms of political and economic faith gravely darkened the chances of constructive findings and recommendations. It was easier to see differences of opinion than what later developed—mainly by rise of the craftsman-like ideal to fashion a worthy report—into a very large area of agreement. Yet the basic differences of faith still are evident beneath the veil of consensus which covers the Commission's reports. Comparisons of "task force" reports which have punch with the Commission report which is held to half-blows are highly revealing.

The "task forces" undertook the twenty-three special research projects which the Commission itself organized. To each was assigned a sector of the executive branch for study and report with recommendations. Composing these forces was a body of "eminent and experienced citizens." This, the Commission's phrase, was true in many instances and attracted a tremendously favorable press; at other times it was more euphonious than exact—inevitably so, since task force membership was exceedingly heterogeneous, including civil servants from the federal, state, and local governments, professors, business men, management consultants, and "representatives of the public view." The latter sometimes encompassed individuals whose efforts were identified more readily with particular interests (or "pressure groups," to use a merciless label) than with an expertise. The task force for agricultural activities, for instance, included members of farm groups; insurance companies were abundantly represented in the Veterans' Affairs project; engineering and contracting associations in Public Works; and private banking interests in the study of public lending agencies. Nor is it to be forgotten that one of the Commissioners even was president of the Rivers and Harbors Association.

The diversity in staff and membership of the Commission is in striking contrast to its immediate predecessor in the reorganization field, the President's Committee on Administrative Management—the Brownlow-Merriam-Gulick committee. Academicians and civil servants with academic leanings dominated the Brownlow committee, which thus appeared a highly homogeneous group. Its published documents, reflecting the common background, are remarkably unified. The Hoover Commission, on the other hand, composed of public office holders, business men, academicians, and civil servants, was not a well-knit homogeneous entity. Its writings curl with dissents. For every Commissioner,

at some point in the reports, utilized the dissent or the separate opinion. Even more indicative of the Commission's continual argumentative mood is the existence of numerous, and at times acrid, dissents voiced by the most active Commissioners to positions accepted by Commission majorities. On certain occasions, as the minimal discussion in the report on Federal-State Relations reveals, even fruitful agreement was beyond reach. Never did such sharp variance embarrass the Brownlow group.

The principal themes of the Hoover Report are familiar in the literature of reorganization. There is advocacy of the "clear line of command from the top to the bottom and a return line of responsibility and accountability from the bottom to the top." There is a regrouping of the numerous agencies of the executive branch into departments as nearly as possible by major purposes, a theme which President Taft's Commission on Economy and Efficiency pursued. There are devices to rescue the President from his overwork, to strengthen the budget and accounting systems and other managerial arms throughout the executive branch. Scores of other recommendations are stylized for particular agencies. For the Department of Labor, severely dismantled in recent years, the Commission provides blueprints of restoration; for the Department of Commerce, regulatory supremacy in the realm of transportation to enable it to establish coherent national policies for trade and industry. Another department, the Post Office, is offered salvation from antiquated rules, an amplitude of red tape, and the effects of subsidies upon normal operating health. A new independent agency is proposed, the United Medical Administration. And so it goes, a vast mosaic of assorted recommendations following general patterns and particular patterns, all intended to be consonant with but one purpose—efficiency.

The approach of the Hoover Commission to efficiency, with few exceptions, was not one which stamped on particular administrative activities the condemning label, "a bad job is being done." Instead, the Commission claimed for its recommendations, where it thought improvement necessary, only the promise that they would enable the job to be done better. This self-restraint the Commission carefully enforced upon the work of its task forces—though here and there in the Commission's findings exceptions occur. In a cogent dissent, Mr. Pollock castigates the antediluvian conduct of the Civil Service Commission in personnel management and urges innovations in line with the finest modern practice. The General Accounting Office is reproved, as it was in 1937, for sending to Washington endless carloads of vouchers which can be handled more capably by audit review in the field. The Army Engineers and the Reclamation Service are condemned for inadequacies, apparently intentional, in their accounting controls. The Commission's best "horror story"—that the paper work on 1,500,000 purchase orders each year costs more than $10 per order, with half the purchases for items of less than $10—is reminiscent of the discovery of President Taft's Commission that the cost of physically handling 1,000 letters varied between departments by as much as from $5.84 to $81.40.

It well may prove that the Hoover Commission's most valuable work lies in carrying forward basic suggestions of the Brownlow group. Both reorganization studies stress the theme of establishing a responsible and effective chief executive as a center of energy, direction, and administrative management. Both propose to expand the President's staff with devices novel to the United States executive. Both seek to raise the performance of personnel administration to the best of present-day practice. To that end, they would modify the commission method of organization, install an administrator, and take other steps permissive of speed and innovation. Both groups advocate departmental status for social welfare services and more ample concern for conservation of resources in national policy. The Brownlow committee suggested the creation of a Department of Social Welfare; the Hoover Commission, a Department of Welfare, to administer the social security and educational functions of government. The Brownlow group proposed to rename the Department of Interior a "Department of Conservation," to signifiy the importance of that function in government. The natural resources problem was complicated for the Hoover Commission by the fact that three task forces—Agriculture, Public Works, and Natural Resources—touched upon it and produced conflicting recommendations. Yet their efforts usefully highlight the problem. In the fiscal realm, a comparison of the Hoover and Brownlow groups is not quite so pleasing. The latter proposed to limit the Comptroller-General to audit functions and redistribute his present accounting functions within the executive branch. The Hoover Commission produced only a tangle of divergent opinions on accounting and auditing. In a dissent, Mr. Rowe restated, with Mr. Pollock's concurrence, the Brownlow plan. Commissioners McClellan and Manasco held that the GAO as a congressional agency was beyond their scrutiny, limited by statute to the executive branch. Mr. Acheson thought that current coöperation of Budget, Treasury, and GAO in accounting matters should be given fair trial.

The Brownlow group reproached Congress and its habit of vesting executive functions in bureau chiefs beyond control of the Chief Executive. The Hoover Commission likewise honors the ideal of the President's unbroken line of command over executive functions, and then, to the dismay of certain original sponsors of the Commission, points an accusing finger at Congress. The National Advisory Council, the National Security Council, the National Security Resources Board—statutory impositions which limit the President's authority to choose his advisers and designate their duties—the lame authority of the Secretary of Defense over the military arms, the continuous statutory diffusion of power among numerous executive agencies for subject-matters like foreign affairs, petroleum, and transportation, constitute Congress a principal craftsman of the higgledy-piggledy patchwork. The plea of the Hoover Commission for unified executive command, while not new, is therefore most opportune. For it illuminates a major administrative drawback of the separation of powers. Congress and the Chief Executive have long shared in the creation of executive agencies and their endowment with power, with considerable conflict and weakening of administrative efficiency. All this has become increasingly serious amid

the perils of the modern state. The Hoover Commission points a practical way to order and safety, in commending Congressional observance of a canon of efficiency—the unbroken line of executive command—in statutory creations of administrative authority.[1]

These contributions of the Hoover studies have figured little in public discussion. Instead, Mr. Hoover himself and the Citizens' Committee on the Hoover Report have trumpeted profusely the likelihood that the Commission's work will bring substantial savings to the federal taxpayer. In making their juicy promises, Mr. Hoover and his associates have on the whole remembered Woodrow Wilson's dictum, "It is not expenditure, but extravagance, that we should fear being criticised for." Yet the emphasis on savings, among all the rewarding facets of the Hoover work, seems neither ingenious nor realistic. Savings, in fact, is only a very slight part of the Hoover contribution. Today 85 per cent of the federal budget is spent for commodities and services, and billions, therefore, could not be saved by mass reductions in the federal bureaucracy. Though government personnel has increased tremendously since the pre-World War I period, the increases are heaviest in places where the public is least likely to tolerate drastic cuts. The National Military Establishment today employs twice the number of persons on the federal payrolls in 1913. And in 1948, one civilian agency alone, the Post Office, employed more personnel than were in the total federal service in 1913. The European Coöperation Administration, the Veterans Administration, and the Department of Agriculture each spends sums today greater than the entire federal budget of 1913. Savings to the extent of billions would have to cut deeply into the substance of these programs; they could not be realized from the relatively small percentage of the appropriations spent on administrative personnel: e.g., with the Veterans Administration, it is six per cent of the five billions spent each year for veteran's benefits. In the aggregate, therefore, it has been estimated that the nation could not hope to save more than two per cent of the national budget by adoption of the Hoover proposals.

Yet the Hoover propaganda continues to drumbeat for savings. Its real and necessary purpose is, of course, to capture the attention and support of Congress and the public. Yet its monopoly of emphasis reveals the poverty of our weapons in the battle for public adoption of reorganization plans. We have no weapon equal in persuasive effect to promised savings. But it is, unfortunately, a two-edged weapon; it conjures up the old injurious vision of the bureaucrat as a super-numerous wastrel, and thus perpetuates the meagre prestige accorded the United States public servant. The Hoover Report seeks to improve the status of the public servant; the Hoover publicity in effect dishonors him. Political scientists have a challenge in the Hoover confusion: to discover justifications, serviceable in public relations, that match the force, but are more accurate and more benignly effective, in reorganization campaigns than the savings motif.

[1] For further comparative references to the Hoover and Brownlow efforts, see the articles in this symposium by John M. Gaus, J. D. Millett, and C. H. Pritchett.

Other choices of strategy of the Hoover Commission seem more felicitous. Mr. Hoover tenaciously pursued his view that the reform of government is essentially bipartisan, for it "concerns all citizens of whatever party."Despite the high expectancy through the summer of 1948 that Dewey would be the next President, Mr. Hoover preserved untarnished the separation between the affairs of his Commission and those of the Republican party. Once, when party workers brazenly infracted his conception of propriety, Mr. Hoover immediately called them to account. On another occasion, he rebuked the Republican National Committee for using his broadcasts on government reorganization for political purposes. Constancy had its reward in the form of the invaluable and abiding support of President Truman. On the crest of his personal victory in the elections, he generously committed himself, in a letter to Mr. Hoover, to active support of the Commission's recommendations. This letter follows.

THE WHITE HOUSE
WASHINGTON

U. S. Naval Base,
Key West, Florida,
November 12, 1948.

Dear Mr. Hoover:

Today I took occasion to reaffirm the importance which I attach to the work of the Commission to which you and your able colleagues are giving so generously of your time and experience. The field in which the Commission is working is one which calls most pressingly for action.

There seems to be general agreement that the present organization of the Executive Branch, in many instances, imposes handicaps on effective and economical administration and must be brought up to date. The task, as you and I have seen from our own experience, is to crystallize this general belief into concrete and wise proposals for action.

The country is fortunate that a Commission composed of men whose capacity in this field has been forged by experience has devoted so much time and thought to the tremendous problems involved. I am most hopeful that its recommendations will go far to make sound and effective organization possible.

If at any time the Commission's work can be facilitated by action on my part, you have but to let me know.

Very sincerely yours,
(Signed) Harry S. Truman.

Honorable Herbert Hoover,
Chairman, Commission on Organization of the
Executive Branch of the Government,
Washington, D. C.

The alliance of Mr. Truman and Mr. Hoover promised in this letter has endured and is largely explanatory of the surprisingly good progress the Hoover recommendations have made in what will long be noteworthy as an extremely dilatory Congress. The Bureau of the Budget has estimated that of the 277 recommendations contained in the Hoover Report, 114 can be carried out by administrative action, 124 require substantive legislation or added appropriations, and the rest depend upon general reorganization legislation.

The Hoover Report now being in mid-passage, the articles which follow have been arranged as a contemplative pause to appraise the work of the Commission and its task forces. The articles assess the Commission itself as a mixed commission and indicate how particular types of executive organization fared under the Commission's scrutiny.[2] Attention is given to methods by which recommendations were formed, and, where possible, to experience gained under recommendations already in effect. Each author was associated with the Commission and, except in the case of John M. Gaus, was attached to that phase of the Commission's work which he describes.

II. THE OPERATION OF A MIXED COMMISSION

FERREL HEADY*
University of Michigan

The reports and recommendations of the Commission on Organization of the Executive Branch of the Government have already been subject to close scrutiny from many angles.[1] Very little attention has been given, however, to the *way* in which the Commission did its work, as distinguished from the results which it produced. While recognizing that the quality of the output cannot be divorced from the methods which produced it, the main emphasis in this paper will be on the operating record of the Commission, rather than on the substance of its recommendations.

This brief account of the inner workings of the Hoover Commission may help to explain the content and characteristics of the Commission reports and supporting task force reports, by describing the conditions under which they were shaped and issued. More important, as a case study of a so-called "mixed commission" in operation, it should aid in an evaluation of the potentialities of the mixed commission device. This calls for a recording of operational problems, shortcomings, and deficiencies, as well as of operating achievements. The Commission on Organization is the most conspicuous attempt made so far in the United States to utilize a mixed commission for the investigation of leading government problems. Any evidence as to the success or failure of the experiment is important, particularly in view of considerable current interest in the

[2] For comment on the military establishments, a topic not covered in this symposium, see the article by a member of the Hoover Commission task force on that subject, R. H. Connery, "Unification of the Armed Forces—the First Year," in this REVIEW, Vol. 43 (1949), p. 38.

* Assistant to Commissioner James K. Pollock.

[1] The other papers in this symposium single out certain important phases of the work of the Commission for analysis and evaluation. For commentaries on the entire series of reports, see Public Affairs Institute, "The Hoover Report: Half a Loaf," *Occasional Paper Series*, No. 3, 1949; "Big Government—A Digest of the Reports of the Commission on Organization of the Executive Branch of the Government," *Fortune*, Supplement, May, 1949; and "The Reports of the Hoover Commission," by this writer, in *Review of Politics*, Vol. 11, pp. 355–378 (July, 1949).

creation of additional mixed commissions on either a temporary or a permanent basis.[2]

I. THE STATUTORY FRAMEWORK

The composition of the Commission, its authority, and the time schedule under which it operated were all specified in considerable detail by Congress in the act which established it.[3] The operational decisions made by the Commission had to be reached within this statutory framework. The intention of Congress may be summed up by saying that it was to create a broadly representative commission protected against partisanship, vested with ample authority to investigate and recommend, and instructed to present its findings and recommendations to Congress at an early date, considering the magnitude of the assignment.

The "mixed" character of the Commission was achieved by a three-way division of the appointing power, with each appointing officer guided in making his selections so that the twelve commissioners should consist of six members drawn from official life and six who were private citizens at the time of appointment. Of the public officials named to the Commission, two were Senators, two Representatives, and two officials in the executive branch. The only deviations from this balanced line-up resulted from events occurring after the Commission began functioning. One member originally appointed from the executive branch and one appointed from Congress left their official positions before the Commission completed its work. Mr. Flemming resigned from the U. S. Civil Service Commission to become a college president, and Mr. Manasco was defeated in the primary in his campaign for reëlection to the House of Representatives. On the other hand, Commissioner Acheson, who was not holding any official position when put on the Commission, was appointed Secretary of State early in 1949.

Precautions against partisanship consisted of a requirement that not more than half of the appointees should be identified with either of the two major political parties, and also a reporting date for the Commission falling after the 1948 elections. Reinforced by a determination shared by all members of the Commission to exclude partisanship, these provisions gave the Commission practically an unblemished record in this respect, despite the obvious temptations on both sides to make use of the agency for partisan purposes. Divisions along party lines did not develop within the Commission, nor has

[2] Numerous proposals have been made for establishment of a National Commission on Intergovernmental Relations; see Joint Hearings before the Subcommittees on Intergovernmental Relations of the Senate and House Committees on Expenditures in the Executive Departments, 81st Cong., 1st Sess., on S. J. 41, S. 767, S. 810, H. R. 2389, H. R. 3184, H. R. 3844, and H. R. 4507 (May 1949). A commission to study administration of overseas affairs has been suggested by Senator McCarthy. Many states have set up or are considering "little Hoover Commissions" for the study of state administrative organization.

[3] Public Law 162—80th Cong., 1st Sess. For a fuller discussion of the statutory provisions, see "A New Approach to Federal Executive Reorganization," by this writer in this REVIEW, Vol. 41 (1947), pp. 1118–1126.

partisanship been an important factor in the reception given to Commission recommendations. On the contrary, the Commission's bipartisan nature undoubtedly has lent weight to its recommendations.

With respect to the Commission's powers, Congress instructed it to study and investigate the existing organization and methods of all executive agencies in order to determine what changes were necessary to accomplish the purposes set forth in Section 1 of the act. This section declared that the policy of Congress was to promote economy, efficiency, and improved service in the transaction of the public business in all the agencies of the executive branch, and it listed limitation of expenditures, elimination of duplication and overlapping, consolidation of functions of a similar nature, and abolition of functions as among the means of achieving this objective. With this sweeping language in the law, the Commission was embarrassed by an over-abundance of power, rather than by any deficiency. In view of the statutory language, the Commission concluded as early as October, 1947, that it was "clearly directed to explore the boundaries of governmental functions in the light of their cost, their usefulness, their limitations, and their curtailment or elimination."[4] Nevertheless, the Commission chose as a matter of self-imposed restraint not to pass judgment on the wisdom of existing governmental programs, but to confine itself primarily to recommendations designed to bring about the more efficient execution of authorized programs.[5]

A date in January, 1949, was originally set for submission of Commission recommendations to Congress, this being considered an auspicious time for action on them by a newly elected Congress at the beginning of a new presidential term. The date chosen, however, was too early for the 81st Congress to be fully organized for the receipt of Commission reports, and it fell prior to the date of inauguration. Partly for these reasons, and partly to allow more time for completion of the Commission's work, the submission date was extended by Congress late in 1948. As a result, the Commission was able to postpone submission of its initial report until February, 1949, and did not file its Concluding Report until late May. Even with the time extension, the schedule of operations specified by Congress required that the entire undertaking be carried out under heavy pressure to meet the completion date.

Within this statutory frame of reference, it remained for the Commission to decide for itself what problems merited its attention, how the investigations of these subjects should be conducted, and in what way the Commission should go about formulating its recommendations for submission to Congress.

The key procedural decision was reached soon after the Commission organized in the autumn of 1947. Upon recommendation of Chairman Hoover, and with the concurrence of other Commission members, it adopted what has become known as the "task force" method of operation. Instead of building up

[4] Policy statement adopted at Commission meeting on Oct. 20, 1947.

[5] The only serious deviation from this policy came in the Commission's Report on Federal Business Enterprises. For comment on this by Commissioners Acheson, Pollock, and Rowe in their dissent, see p. 92 of the report.

a large continuing staff to undertake all necessary investigations, the Commission agreed to assign each major problem selected by it for examination to a special study group recruited for the particular investigation and retained only until its assignment could be completed. By thus farming out responsibility for studying and making recommendations on segments of its total assignment, the Commission felt that it could induce outstanding individuals to serve the Commission, that it could speed up the work, and that the various supporting studies would provide a broad expert foundation for the Commission's own recommendations. The study groups were referred to, at first informally by Mr. Hoover, and later officially, as "task forces." The operating record of the Commission consists mainly of its application of this task force technique. For an understanding of the outcome, we must examine the part played by the Commission staff, the task forces, and the Commission itself.

II. THE COMMISSION STAFF

The task force system obviously required, for best results, careful planning of project assignments to avoid omissions or duplications, adequate guidance to the task forces in the conduct of their investigations, close coördination of the work of related task forces, and a schedule for the completion of task force reports which would allow time for the Commission to make use of them in preparing its own report for submission to Congress.

These control functions could not be exercised directly on a day-to-day basis by a commission of twelve members. The logical approach was to provide a small staff headed by a responsible executive director, which could act under the Commission's general guidance and direction.

On paper, the Commission seems to have provided itself with a well balanced staff. The Concluding Report lists four groups of staff aides: a secretarial staff, a group of commissioners' assistants, an "administrative staff," and a "central staff."[6] The secretarial staff was maintained to furnish secretarial service to Commission members and to the task forces. The administrative staff consisted of the secretary of the Commission, who was an official on loan from the U. S. Civil Service Commission, a chief of administrative services, and a chief of personnel, plus one assistant. This group furnished essential "housekeeping" services. Each of the assistants to the commissioners was chosen by, responsible to, and worked for an individual commissioner. Every member of the Commission had one such personal assistant, and a few had two. Although the assistants were not in any real sense part of a staff serving the Commission as such, they did provide valuable services to the Commission members for whom they worked, and contributed substantially to timely completion of the Commission's task.

The "central staff" consisted of thirteen persons with titles including "executive director," "assistant to the director," "director of research," "illustrator," "staff assistants," and "editorial staff." These titles indicate the existence here

[6] The names and titles of individuals on the Commission staff appear on pp. 49 and 50 of the Commission's Concluding Report.

of a nucleus staff designed for and capable of directing the work of the task forces and facilitating the preparation of Commission reports. Actually, the listing is misleading. The executive director, a business man of independent means serving without compensation, was originally connected with the Commission as an assistant to the chairman. He was designated as executive director in the spring of 1948 after most of the task forces were already set up and functioning. He remained essentially an assistant to the chairman rather than an executive officer for the full Commission. As later indicated, the actual director, for all practical purposes, was the chairman himself. The assistant to the executive director, who had been one of his business associates, was inactive during the latter stages of the Commission's work because of ill health. The director of research never functioned in that capacity, but was mainly occupied in special assignments for the chairman. Most of the remaining members of the central staff were retained only during the last few months to assist in the preparation of Commission reports and to handle the release of news items.

Although the central staff contained individuals of outstanding capacity, the talents of this group were never fully utilized because of faulty direction of their activities and a tendency for the Commission or individual members of it to do work that the staff was fitted to do and could have done better. The Commission made a serious mistake, although it did not prove a fatal error, in failing to provide itself with a central staff to which it could and would entrust responsibility for the detailed management of Commission affairs. A more effective central staff, headed by a highly capable executive director thoroughly familiar with governmental affairs, selected by the entire Commission and enjoying the full confidence of all of the commissioners, could have made the task force system work immeasurably better than it did, and could have aided the Commission greatly in arriving at its own recommendations.

III. THE TASK FORCES

During the latter part of 1947 and the winter and spring of 1948, the Commission launched twenty-four task forces;[7] and in their make-up a fairly uniform pattern was established. Most of the number consisted of a project director assisted by a staff selected by him, and a task force committee. The function of the committee differed from project to project. Most committees were advisory, assisting in laying out the plan of study and examining the staff findings, without giving formal approval to the final task force report. Some committees, however, assumed full responsibility for the assignment, selecting the project

[7] The task forces, in the order of their creation, were: (1) Presidency and Departmental Management; (2) Post Office; (3) Federal Supply; (4) Transportation; (5) Veterans Affairs; (6) Public Welfare; (7) Fiscal, Budgeting, and Accounting; (8) Federal-State Relationships; (9) Public Works; (10) Federal Field Offices; (11) Revolving Funds and Business Enterprises; (12) Lending Agencies; (13) Federal Personnel Management; (14) Foreign Affairs; (15) Natural Resources; (16) Regulatory Agencies; (17) Agricultural Activities; (18) Public Relations Activities; (19) Medical Services; (20) Indian Affairs; (21) Government Statistical Services; (22) Records Management; (23) National Security Organization; (24) Territories and Dependencies.

director, guiding the investigations, and determining the content of the report to the Commission. In a few instances the committee apparently served merely as window-dressing, being rarely consulted and contributing substantially nothing to the task force report. In at least one case, the committee and the project staff, being in disagreement on important points, submitted independent reports to the Commission. In the rare cases where research and management organizations were retained for studies, such as those made by Robert Heller and Associates of the Post Office Department, and by the Brookings Institution of Public Welfare, no advisory committee of any kind was set up.

As a listing of the task forces in the order of their creation indicates, the Commission did not establish them in accordance with any master plan agreed to beforehand. On the contrary, the individual task forces were set up one by one as the Commission decided that particular matters should be looked into and reported upon. Although most members of the Commission participated in the selection of subjects for task force assignments, the initiative in this matter was taken by the chairman. The coverage of major problem areas by task force assignments was fairly complete, but a consequence of the unsystematic method of selecting subjects for task force study was that a number of important possible topics for investigation were overlooked or rejected. Where gaps in the task force coverage did appear, many other supplementary sources were tapped for informational material. Reports of previous study groups were consulted. Government agencies submitted data voluntarily or upon request. Private citizens and organizations bombarded the Commission with suggestions. Individual commissioners or their assistants undertook investigations on their own initiative. Rarely did the Commission proceed purely upon the previous experience and knowledge of Commission members.

The initiative in choosing task force directors, committee members, and research staff was taken also by the chairman, with suggestions as to personnel made by interested commissioners, and the selections formally ratified by the Commission. The general caliber of the some three hundred individuals who served on the task forces was impressively high. The competency and objectivity of a few of the task forces is, however, questionable. That the Commission or groups of commissioners ultimately recognized this is evidenced by the Commission's failure to publish certain of the task force documents,[8] and by the outspoken criticism voiced concerning the methods and findings of others.[9]

[8] For example, the reports on Federal Field Services and on Government Information Services. Some other reports were not published because of lack of Commission funds for the purpose.

[9] See pp. 106–112 of the report on Business Enterprises for criticisms by three commissioners (Acheson, Pollock, and Rowe) of the task force report on Revolving Funds and Business Enterprises. Senator Aiken, at p. 114, says in a separate statement that the recommendations of this task force report "follow so closely the arguments which the private power interests present in opposition to public water-resource development that the general welfare viewpoint does not seem to be properly represented." He declared of the task force report on Government Lending Agencies, at p. 113, that it "does not adequately represent the broad public interest viewpoint which motivated the establishment of these agencies."

The "mixed" character of the Commission and its care in avoiding sweeping judgments on the wisdom of authorized governmental programs was not reflected in some of the task force performances.

Among the authorized task forces, considerable variation occurred in the basis of study and the method of approach. The study of the presidency and departmental management was an over-all project with ramifications that affected the entire organization of the executive branch and the work of all the other task forces. Some studies were put on an organizational basis, concentrating on problems of a particular form of organization or of a particular level of organization, such as the task forces on Regulatory Agencies and on Federal Field Offices. Several dealt with basic central staff activities of the government, such as Personnel Management, Federal Supply, and Fiscal, Budgeting, and Accounting Activities. The largest number of task forces were set up on a functional basis, focusing usually on the work of a particular executive department or agency. Examples were Agriculture, Natural Resources, Foreign Affairs, Public Welfare, Transportation, and Indian Affairs. The task force on Federal-State Relations was unique in that it was concerned with relations between the two levels of government through the whole range of activities where contact exists. As a consequence, the same matters were often examined from two or more different angles with different objectives. Probably there was some virtue in this overlapping and diversity of approach, but it complicated the problem of task force coördination; and in the absence of thoroughgoing efforts to coördinate the efforts of related task forces, conflicting recommendations were to be expected and did develop.

A further complication sprang from the failure to work out a schedule for receiving closely related task force reports in an order which would facilitate consideration of them by the Commission. A submission date was specified for each task force as it was created, with the choice depending upon such variant factors as the time of setting up the task force, the magnitude of the problem assigned, the difficulty of recruiting task force personnel, and so on. The submission dates originally set ran all the way from May to December, 1948. Closely related task forces were scheduled to report at widely separated intervals. For example, the Fiscal, Budgeting, and Accounting task force was supposed to report on June 15, and the Personnel task force not until October 1. The task force on Regulatory Agencies was due to report on September 1, and the Transportation task force not until October 15, although several agencies were being investigated by both study groups. The report on Public Works was originally set for May 15, but the Natural Resources task force, which dealt with some of the same issues, was not expected to report until October 1. Even assuming that the original submission dates had been met, the Commission would have found it hard to proceed systematically, and time would have been exceedingly short for the Commission to complete its work prior to the deadline for its report to Congress.

The importance of some system for encouraging and facilitating coördination among the more than a score of task forces was vaguely recognized by the cen-

tral staff, and some efforts were made along these lines. Progress reports were requested from the task forces, and for a time were submitted on a variable basis both as to content and frequency by some but by no means all of them. During the summer of 1948, a number of meetings were held at which task force leaders met with assistants to the commissioners, at their request, to report on task force operations and answer questions. Members of the central staff attended most of these meetings. Occasionally staff members were assigned to contact the various task forces in an attempt to isolate overlaps and potential conflicts in recommendations so that task force personnel might consult to iron out the differences if possible. In order to make it easier to adapt task force findings to the wishes of the Commission or to the findings of other task forces, the Commission suggested that task force recommendations as originally submitted to the Commission should be classified as tentative rather than final. Chairman Hoover on several occasions called in groups of task force leaders for consultation when it appeared that task forces were working at cross purposes. At one stage, the Commission named coördinators intended to receive the recommendations of related task forces initially and examine and evaluate them prior to consideration of the recommendations by the Commission itself. Only two or three of these coördinators, however, were actually named, and they did nothing more than submit short memoranda adding their own views to those already submitted by the task forces.

Since at no time did the Commission or the central staff undertake to provide close and positive direction to task force operations, these various coördinating devices produced slim results. For the most part, each task force had practically a free hand in planning its approach, making its investigations, and formulating its report; and the unresolved conflicts in substantive recommendations culminating from this method of operation were thrown directly into the lap of the Commission when the task force reports were eventually turned in.

IV. THE RÔLE OF THE COMMISSION

Under the terms of the statute which created the Commission, all twelve members were appointed upon a footing of complete equality. Actually, individual members contributed unevenly to the Commission's work. Recognition of these differences in participation is essential to an understanding of how the Commission operated.

Particularly important in this connection is the part played by Mr. Hoover as chairman. The statute provided for election of the chairman by the Commission itself, and granted him only minor special powers. Appointed to the Commission upon an understanding shared by all concerned that he would become its chairman, Mr. Hoover wielded a directing power in the operation of the Commission far beyond any rôle specifically assigned to the chairman by the statute. This was due in part to his prestige as the only living ex-President of the United States. Even more, it was because of the vigor and single-mindedness with which he devoted himself to what he termed his "last public service." He labored diligently and persistently during the entire life of the Commission,

and the leadership which he provided is reflected in what the Commission did and how it was done. The deficiencies in his direction of Commission affairs, which are touched upon below, are easily counterbalanced by the success with which he pushed Commission business to completion, and the weight which his chairmanship lent to the Commission's work. It is not a misleading circumstance that the Commission is almost universally referred to as the "Hoover Commission."

Important as is this emphasis on the rôle of the chairman to an understanding of the operation of this particular mixed commission, it should be pointed out that the situation is atypical, and that a repetition of this pattern of leadership ought not to be anticipated in other mixed commissions. It is unlikely that any single member would dominate another commission of this type to the extent that Mr. Hoover dominated this one. Ex-presidents are not likely to become commission chairmen very often.

Less marked differences in the degree of participation and consequent influence in the work of the Commission existed among the other Commission members. For example, among the more active commissioners were Mr. Mead, Mr. Pollock, and Mr. Rowe, who spent the larger portion of their time on Commission work. At the other extreme, Mr. Kennedy, partly because of ill health, attended only a few meetings, and participated practically not at all in Commission deliberations and decisions. Generally speaking, the members who held government posts during all or part of the life of the Commission were able to give less attention to it. This had the incidental result of reducing somewhat the effective strength of the contingent drawn from public life.

The contribution of the congressional members needs a word of comment here. Commissioners were appointed from Congress for two reasons primarily. One was to inject the legislative point of view into Commission deliberations. The other was to place key members of Congress on the Commission so that they could later spearhead the campaign for acceptance by Congress of Commission recommendations. The congressional representatives did place special emphasis during Commission discussions on the necessity of taking into account the probable reaction in Congress to alternative choices open to the Commission. This had the merit of promoting decisions with which Congress could be expected to agree. It had the disadvantage of pressing the Commission to modify the best judgment of a majority of its members on some matters in order to avoid possible legislative opposition. With respect to the second point, shifts in party alignment and committee assignments in Congress, the defeat for reëlection of one commissioner, and the opposition in the Senate of another to several of the Commission's own majority recommendations, have conspired to weaken the reliance which the Commission might otherwise have placed upon its congressional members to guide its program through the legislature.

With this background, we may turn to a résumé of the operations of the Commission itself during its existence of slightly more than a year and a half. From late September, 1947, when the Commission first met and organized, through early June, 1948, Commission meetings were held once or twice a month. Dur-

ing this first phase of its operations, the Commission turned its attention primarily to such problems as selection of staff, decisions as to task force assignments, designation of task force personnel, and approval of budgetary plans. The initiative in all these matters was taken by Mr. Hoover, and on all but a few minor details the Commission followed his lead.

By late spring, 1948, the task forces were at work or at least authorized. Pending receipt of the task force reports, and in view of anticipated difficulty in securing a quorum for Commission meetings during the summer months, it was decided at a meeting early in June that the Commission would not reconvene in formal session until the middle of September. During this three-month interval, the Commission as such ceased to function altogether, although the chairman and a few members kept in touch with the doings of the task forces, and most of the commissioners' assistants were in Washington.

By the time of the September meeting, when it had been expected that many of the task force reports would be in, and that the Commission could settle down to its main job, it was obvious that the program of operations had fallen far behind schedule. Although many of the original deadline dates had come and gone, only a few of the task forces had submitted even tentative recommendations. Practically all were falling behind in meeting both their original and extended submission dates. Very little effort had been exerted by the chairman or the central staff to impress upon the task forces the necessity of early completion of their assignments. As late as the middle of August, the only task force materials which had been distributed to Commission members consisted of two volumes of purely factual data assembled by the task force on Lending Agencies, giving no indication as to the recommendations to be expected.

Concerned over this situation, some members of the Commission urged upon the chairman by memoranda and orally that steps be taken to assure orderly completion of the Commission's task within the few months remaining before the January deadline. Specifically, they suggested that the task forces be prodded to get their reports in; that the central staff of the Commission be strengthened; that task force materials when available be distributed at once to Commission members for examination; that early agreement be reached by the Commission as to the preparation, timing, and subject-matter of its own reports to Congress; and that the Commission adopt a comprehensive work schedule for consideration of the problems covered by the task force reports.

Beginning in October, after a single meeting in September, the Commission did begin holding sessions almost every week, usually for two or three consecutive days at a time; and during this third phase of its operations, the Commission for the first time actually began to function *as a Commission*. Earlier, when it had been active at all, it was essentially no more than a ratifying body passing on proposals submitted to it by the chairman and central staff.

Unfortunately it must be reported that most of these sessions of the Commission, even in the face of the rapid passage of the allotted time before the reporting date, were conducted in an unorthodox and time-consuming fashion. Only an extension of the deadline, which allowed the Commission to delay sub-

mission of its reports, permitted completion of the task within the time limit set by Congress. The principal handicap was that agenda for Commission meetings were always either unannounced or uncertain. When prior announcement was made as to the order of business, the chances were that items other than those listed, or at least in addition to those listed, would actually be taken up. Related subjects were not often discussed together or even in close approximation to one another. Controversial matters upon which the Commission seemed likely to divide were constantly being postponed for later consideration. The result was inadequate preparation on the part of some Commission members, inconclusive discussion without a binding decision, much waste motion, and frayed nerves. Complaints about this lack of order in the conduct of Commission business were numerous, but prior planning known to all members was never adequately achieved.

A further handicap was that Commission consideration of a subject, instead of being focused on key issues as posed by the relevant task force report or reports, usually took the form of paragraph by paragraph perusal of a draft for the Commission's own report on the topic, placed before it by the chairman. Debates over details of wording, and lengthy controversies over minor points, consumed time that might better have been spent in ascertaining the views of Commission members on the vital issues to be resolved. The Commission was converted in this fashion into a revisory committee which worked over drafts submitted to it, usually without prior determination as to the stand which the Commission wished to take. This procedure led to time-consuming consideration of draft after draft before one acceptable to at least a majority of the Commission was produced. This system, although modified somewhat, was never abandoned despite much under-cover and some open opposition to it. During the later stages of its operations, the Commission did make use of subcommittees, consisting usually of three commissioners, charged with taking jurisdiction over a particular task force report, or set of related reports, and preparing either a list of issues to be decided by the full Commission or a draft report for its consideration. Toward the end, more reliance for the preparation of drafts based upon Commission discussions was placed also on writers retained on the central staff, on personnel drawn from the task force concerned, and on assistants to the Commissioners. These improvements in procedure definitely showed results in the content of Commission reports and the tempo of their adoption.

The Commission decided months before the original submission date that it would prepare a series of reports to Congress rather than a single comprehensive report. Ultimately, nineteen separate reports were submitted, accompanied by the corresponding task force documents. The wisdom of this reporting scheme has been amply demonstrated by the unprecedented public attention given to the reports as they were released. Despite the handicaps under which the reports were formulated, nearly all of them share the virtues of brevity and clarity. In attractiveness of format and effective use of graphics, they are noteworthy. Some, including the reports on General Management of the Executive Branch,

Post Office, Foreign Affairs, National Security, and the Concluding Report, deserve to be ranked as first-rate public documents.

While the Commission succeeded in most instances in reaching substantial agreement in its recommendations, numerous dissenting reports filed by individual commissioners or groups of commissioners demonstrate, as Mr. Hoover remarked, that the Commission consisted of "twelve tough-minded individuals of different political and ideological views" who spoke their own minds and insisted, in the final analysis, that the reports of the Commission show both the points upon which a meeting of minds was possible and the issues upon which agreement could not be achieved. This preservation of the individuality of Commission members, and the resultant presentation to Congress in Commission reports of both majority and minority points of view on controversial issues, may well prove of major merit in final evaluation of the Commission's work. Congress can now benefit by the spadework done by the Commission in pointing up the issues, while retaining, as it should, full freedom of decision.

V. EVALUATION OF THE MIXED COMMISSION

The operating history of the Hoover Commission, combined with consideration of the content of the Commission's recommendations as contained in its reports, and developments to date in the reception given these proposals, suggest the following observations concerning the value and use of mixed commissions:

(1) The mixed commission offers a feasible method of providing balanced representation of varied interests and points of view in the investigation of basic public issues, without too much risk that the commission will split into irreconcilable factions. (2) A mixed commission, by reproducing in microcosm the contending forces which bear on the problems dealt with, may stake out a common meeting ground in its recommendations which is in accord with needs as developed by investigation, and which will prove acceptable to the legislature and to the public. Care must be taken, however, to avoid making easy acceptance the main criterion in deciding upon recommendations. Undue emphasis upon this may mean compromise before compromise is either necessary or desirable. Over-concern about the legislative reaction to proposals under consideration is naturally most apt to appear in the attitude of commission members drawn from the legislature. (3) The main value to be derived from the use of a mixed commission is that representatives of the principal schools of thought bearing upon the problem of study have a chance to participate on an equal basis in its work. Since marked differences in the public reputations or degree of participation of individual members of a mixed commission tend to convert it from a collective decision-making body to a ratifying group for one or a few key commission members, it is important to protect the opportunity for minority commissioners to express their views officially. Through the use of dissenting or separate reports for this purpose, the legislature can be given cogent arguments for different possible courses of action on debatable issues, which may serve as a springboard for legislative consideration and decision. (4) A mixed commis-

sion needs a highly competent central staff headed by an executive director chosen by the full commission after thorough canvassing of available qualified candidates. Details of internal management of the commission's work should be delegated to the director and staff. (5)The "task force" method of conducting research offers important theoretical advantages which can be fully realized only through comprehensive advance planning of projects by the full commission, careful selection of task force personnel, clear delineation of the scope of task force assignments, close supervision of the work of task forces, and submission of task force reports in ample time to permit commission consideration of them prior to the making of commission decisions. (6) The agenda for commission deliberations should be clearly laid out in advance of each commission meeting. Discussion should be focused on central issues rather than on details of content or the phraseology of commission reports. Preparation of draft reports based on commission decisions should be entrusted to staff writers, subject to subsequent commission approval. (7) The commission should devote close attention to such matters as the format, style, organization of content, and order of presentation of the report or reports containing its proposals, since the medium through which the recommendations are revealed may have a decisive effect upon the reception given them by the legislature and the public.

III. THE PRESIDENCY

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The recommendations of the Hoover Commission that relate most directly to the presidency are to be found in *General Management of the Executive Branch; A Report to the Congress*, February, 1949 (the first report issued), in Part II, entitled "The Executive Office of the President." There was no published "task force" report on this topic; but on page 51 of the "General Management" report there is special acknowledgement of the assistance to the Commission concerning it by Don K. Price, Stephen K. Bailey, H. Struve Hensel, and John D. Millett. It may be assumed that this subject would be of particular interest to the chairman of the Commission, former President Hoover—and to Mr. James Rowe, a member of the Commission who was an administrative assistant to President Franklin D. Roosevelt.

Part II rests upon the philosophy, "findings," and "recommendations" of the Commission concerning "the essentials of effective organization of the executive branch." These are familiar to the student of government, and include the responsibility of the President and department heads "to the people and the Congress"; the "power to direct" via a "clear line of command" and a "return line of responsibility and accountability"; and "the aids which staff institutions can provide to assemble facts and recommendations upon which judgment may

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be made and to supervise and report upon the execution of decisions." The general findings and recommendations restate those entitled "Modernizing Our Governmental Management" on page 3 of the 1937 report of the President's Committee on Administrative Management.

I. THE PRESIDENT'S OFFICE

The 1937 Commission built its program around what it termed "The Executive Office of the President," in recognition of the institutional needs of the person occupying the presidency. This was a belated acknowledgement of what had been a long development in this country and in other countries. Part II of the present report begins with a brief listing of the responsibilities and rôles of the President, including party leadership (an aspect not subsequently treated in the report except by implication). The Commission builds upon the organization that has evolved since Executive Order 8248 of September 8, 1939. It recommends a change in title from "The Executive Office of the President" to "The President's Office." The former had, at the time of the submission of the report, the following units: the White House Office, the Bureau of the Budget, the Council of Economic Advisers, the National Security Council, and the National Security Resources Board. The latter two were considered parts of the Office in practice, according to the Commission, and should be made so "formally," presumably in keeping with its general recommendation that all cabinet committees be a part of and staffed by the President's Office, with committee members and staffs not subject to confirmation by the Senate.

The Commission recommends that the following units be added to the President's Office: "an Office of Personnel, headed by a director, who should also be chairman of the Civil Service Commission," and a "staff secretary," who "if possible, like the executive clerk, should be a career public servant." The proposed Office of Personnel would have as its director the chairman of the Civil Service Commission; the Report suggests that he "should function as the principal staff adviser to the President in connection with problems related to the career civilian service of the federal government. He should, for example, be responsible for keeping in close touch with the work of various offices of personnel within the departments and agencies. Also, the director should advise the President on ways and means of identifying exceptional talent within the federal civil service in professional, scientific, and executive posts, and of making sure that this talent is being utilized in the most effective possible manner." The proposal seems to be about half way between that of the President's Committee on Administrative Management and the "independent commission," modified by an administrative assistant serving as the "Liaison Office for Personnel Management." The proposed staff secretary "should keep the President currently informed of work which has been undertaken by various parts of the President's Office, by the cabinet committees, or by interdepartmental committees or special advisory committees." "He would not himself be an adviser to the President on any

issue of policy, nor would he review (in a supervisory capacity) the substance of any recommendation to the President by any part of his staff." Clearly, however, for a wise and unselfish career civil servant, would this be a post of great importance and of quiet power.

The Commission's concept of the presidency generally is indicated by recommendations (2 through 9) which stress the general staff and corporative and flexible character which they believe the President's Office should possess. "Statutory authority over the operating departments should not be vested in any staff members or staff agency." They recommend complete discretionary power for the President in organization and the assignment of functions and personnel within the Office and freedom for all appointments within it from confirmation by the Senate. The recommendation concerning the Council of Advisers is particularly revealing and significant in this connection—that it be replaced by an Office of the Economic Adviser. "To put a full-time board at the head of a staff agency is to run the risk of inviting public disagreements among its members and of transplanting within the President's Office the disagreements on policy issues that grow up in the executive departments or in the Congress. It also makes coöperation with related staff agencies more difficult."

As to the cabinet, any statement from a Commission headed by an ex-President should have special authority as evidence concerning so elusive an institution. "The members of the Cabinet are the primary advisers to the President. He is free to select them, to decide the subjects on which he wishes advice, and to follow their advice or not as he sees fit. The Cabinet as a body, however, is not an effective council of advisers to the President, and it does not have a collective responsibility for Administration policies. The Cabinet members, being chosen to direct great specialized operating departments, are not all fitted to advise him on every subject." However, "in crucial areas in the conduct of national affairs, where Presidential consideration or decision is required, the creation of Cabinet committees is desirable to advise the President on both the foreign and domestic aspects of important problems. . . . These Cabinet committees should be established by, and function directly under, the President. They should not be part of the Cabinet. Creation of specific committees by statute should be avoided because the resulting framework is too rigid and, in any event, the President should not be directed to receive advice from designated sources."

The Commission's general recommendation that "the membership and assignment of any Cabinet committee set up to advise the President on important policy issues should be determined by the President" is applied specifically in a companion recommendation that the composition of the statutory National Security Council and the National Security Resources Board, created by the National Security Act of 1947, which subjects the appointment of the chairman of the latter Board to senatorial confirmation (withheld from an appointee of President Truman not long after submission of the report), and of a third statutory committee, the National Advisory Council on International Monetary and Financial Problems, "should be revised so as to afford a flexible frame-

work within which the President can determine their membership and assignments." This is not too clear or forthright, and suggests debate and compromise. More specifically, the Commission says that "the National Security Council and the National Security Resources Board, with their respective staffs, should be made, formally as well as in practice, a part of the President's Office." The proposals for investigation, and the formulation of materials for the preparation of presidential policy, are completed with the reference to the numerous interdepartmental committees, a recommendation that they be inventoried yearly "and those whose work is complete should be terminated," that funds be made available for the use by the President of advisory commissions, consultants, and personal advisors "from time to time" (a reiteration of the suggestion of the 1937 Committee for a "contingent fund" for this purpose), and the recommendation described above for a staff secretary through which a current summary of all these activities of the Office would be available to the President.

Since the Commission views the Office of the Budget as "the President's largest and most important staff agency," with functions that "go far beyond strictly budgetary matters," and as "the President's main reliance as an instrumentality for the improvement of management," it rejects the proposal of its task force on this subject to return it to the Treasury. No specific recommendations are made, however, in regard to the Office.

II. THE PRESIDENT AND THE DEPARTMENTS

Although the subject of departmental management and of personnel is discussed elsewhere, any analysis of the recommendations regarding the presidency should at least refer to the emphasis placed by the Commission on the principle of presidential direction and supervision over the entire executive branch through the department heads (with their "dual role" of "advisers of the President upon policies" and "administrators of great operating agencies") and through such older auxiliary services as the Civil Service Commission (linked through its chairman to the proposed Office of Personnel in the President's Office) and the proposed new Office of General Services embracing Supply, Records Management, and the Operation and Maintenance of Public Buildings. The importance attached by the Commission to the assignment of power to the President for initiating programs for the reorganization of the executive branch, subject to concurrent resolutions of the Congress, is illustrated by their statement at the beginning of the report urging that "the power of the President to prepare and transmit plans of reorganization to Congress should not be restricted by limitations or exemptions."

III. AN APPRAISAL OF TENDENCIES

The Commission's assumptions and recommendations regarding the presidency may usefully be interpreted as recording a stage in the evolution of the executive, not only in the United States, but in modern national states generally. The scope, variety, and complex nature of the functions of government explain the reconsideration which is being given to its organization and proc-

esses, especially those centering in the chief executive. War, depression, and their influence upon these functions may seem to us at the moment among the most urgent stimuli to such reconsideration. But even the contemporary activity has extended over several decades. The short ballot, city manager, and governmental research movements illustrate the tendencies earlier in the present century. Within the past forty years, the Taft Commission on Economy and Efficiency, the Wilson practice of the address to Congress in person, the Overman Act, the Budget Act, the Roosevelt trials of an "Emergency" and an "Executive" Council, the President's Committee on Administrative Management, the Reorganization Act of 1939 with the subsequent Executive Order 8248 establishing the Executive Office of the President, and the extensive literature on the presidency which has appeared in recent years, are evidences of a development which it is the task of the political scientist to analyze and clarify.

This is not an American development only, nor indeed one unique to recent times. The modern national state has grown through the evolution of public collective services—as in the times of "mercantilism" and "cameralism"—in different ways in different places with their different societies. Yet the core of this development has everywhere centered in the executive; the struggle for the control of executive institutions has been the stimulant to the invention of legislative and judicial institutions. Granting the long evolution of public executive institutions out of the semi-private ones of the early royal households, there seems to be greater relative attention to the nature and equipment of the office of the chief executive in the present century. This attention may be correlated with greater social and economic interdependence that applied science makes possible, and perhaps equally with the conditions set by total war and resultant social upheaval. Perhaps this is comparable to the period of feudal decay and religious sectarian strife from which emerged what A. F. Pollard termed "The New Monarchy" and what Walter Dorn has entitled "The Leviathan State." Recent developments in the prime ministership and cabinet in Great Britain, for example, in large part derive from the Esher report occasioned by the Boer War (as Elihu Root's general staff program for the War Department grew out of the Spanish-American War). The secretary of the Committee on Imperial Defense was to become the first secretary to the cabinet—and that a war cabinet. The observations of Lord Hankey, Sir John Anderson, or Sir Oliver Franks have to do with an executive in a time of "crisis government," which seems to be Our Times. We need studies comparable to these, and the present report, of the chief executive's institutions in Russia, Japan, India; but even more of the Scandinavian and other countries in which there is more relevant continuity of legislative, party, administrative, and political institutions and practices generally.[1]

Two particular items of the Hoover Commission Report on the General

[1] Note, for example, the discussion of the treatment of some of these questions by the Interparliamentary Union at its Congress at Madrid in 1933 by Professor B. Mirkine-Guetzévitch, in the section on "Recent Developments in Laws, Constitutions, and Administration," *Political Quarterly*, Vol. 5, No. 1 (Jan.–Mar., 1934), pp. 111–122, under the suggestive title of "The Technique of Liberty."

Management of the Executive Branch warrant comment here because they raise such larger questions of tendency and institutional development. There is, for one, a point at which the present report breaks sharply from that of the President's Committee on Administrative Management. The recommendation that an "Office of the Economic Adviser" replace the present Council of (three) Economic Advisers emphasizes the staff and facilitating rôle as against the more ambiguous position of the former National Resources Planning Board, established in the 1939 executive order and subsequently abolished. There is a prophetic discussion of the then new Council of Economic Advisers in John Millett's *The Process and Organization of Government Planning*.[2] The staff agencies and personnel are viewed by the Hoover Commission as a series of instruments upon which the President, on his own initiative and responsibility —and his alone—is to draw for assistance in discovering, mobilizing, and using the resources of the entire executive branch of government.[3]

The same stress on the integrated and corporate nature of the President's Office as a pool of resources upon which he may draw with complete discretion and legal flexibility in his official actions for which he is viewed as solely responsible is reflected in the statements earlier quoted from the report concerning the cabinet and cabinet members. Collective responsibility is rejected, and there is the frank statement that cabinet members "are not all fitted to advise him [the President] on every subject." The statement stimulates the question as to whether there is a place for collective responsibility, and for collective formulation of policy and program, in the American system. There is evidence that in some countries with collectively responsible cabinets, and with numerous parties from which a coalition must be formed in order to obtain parliamentary majority support for the cabinet, the collective responsibility cannot be reconciled with the need for an integrated and coördinated program and positive action. Here again the assumptions and recommendations of the Commission are a challenge to the student of comparative institutions, public law, political theory, and public administration.

[2] New York, Columbia University Press, 1947. See especially pp. 158–174. Senator Byrd's criticism of the Council, reported in the *New York Times* of July 18, 1949, illustrates the point made concerning a board in such a staff position by the Hoover Commission quoted earlier.

[3] It will be recalled that the origins of the National Resources Planning Board were, via the National Resources Committee, in the unit established in the Public Works Administration assigned to review proposals for physical development under provisions of the National Industrial Recovery Act whereby employment might be revived, and hence reflected city planning experience, including a "part-time" or "citizen member" top board with paid staff. See Robert A. Walker, *The Planning Function in Urban Government* (Chicago, University of Chicago Press, 1941), of which a revision is to be published shortly. In his concluding summary, Walker states that "the independent, unpaid citizen planning commission is not satisfactorily executing the planning function at the present time," and that "planning is one of the staff functions and should be attached to the executive office" (pp. 333, 334). The Hoover Commission view would seem to derive more from the Taylor scientific management line of development of staff organization and process, and to follow the Walker diagnosis of desirable change in urban executive staff organization also. We have not had the last of this debate—as the views of Rexford Tugwell on the nature and organization of planning assure.

It is doubtful whether the presidency has ever before been described or defined in so important a document as so solitary and self-contained, and as possessing so completely responsibilities for the direction of the executive branch and the formulation of policies to be submitted "to the people and the Congress." It must again be stressed that the Commission bases this conception on the equally important diagnosis of the need for such an institution to fulfil that responsibility. It therefore concentrates on what it conceives to be the general management principles and devices whereby this responsibility may be exercised. To explain the origins of this diagnosis and conception and to clarify and discuss the problems and issues present in them is clearly a task of political scientists.[4] How is that "responsibility" (ambiguous word!) "to the people and the Congress" to be applied specifically? Perhaps it is that "function not foreseen by the Constitution: that of leadership of a political party," of which the report speaks, which will be the theme of the next spate of investigation, study, and invention which the political scientist must initiate. Perhaps the Congressional Reorganization theme, which our American Political Science Association initiated, should be revived as unfinished business. Perhaps, too, Chairman Schattschneider of our Committee on Parties has something in store. For however "flexible" and free from "collective responsibility" the Commission's concept of management may leave the presidency, the President himself is but one among many in the councils of his party.

We will all agree that any of the present proposals of the Commission that get adopted will be modified in the day-to-day life of the Office; and a major theme, in fact, of the Commission is the stressing of power to permit such modification freely as to allocation both of tasks and of personnel. Within ten years, the organization of the Executive Office of the President has been much changed; yet it would probably be agreed that valuable experience has been gained, and the central idea that there should be such an institution at all has been profoundly justified. Measures such as these need to simmer long and slowly on the back of the stove before the juices of the various constituents can interpenetrate and produce the most nutritious and delicious result—and during the slow process, opportunity is given for skimming off those elements that have floated to the surface or have otherwise been rejected by the total brew. Those alarmed at excess and dictatorial power, or fearful that the executive may be too weak and harassed to meet the public needs, may take some comfort in this apparently inevitable process of institutional adaptation to persistent and subtle modifying forces in American life.[5]

[4] See, for example, the helpful collection of documents, with comment, by Fritz Morstein Marx entitled *The President and His Staff Services* (Chicago, Public Administration Service, 1947). H. M. Somers has a forthcoming study of the Office of War Mobilization in which important aspects of the presidency are explored.

[5] Note the discussion of "Administrative Power" by Paul Appleby in his *Policy and Administration* (University of Alabama Press, University, Alabama, 1949), especially of the powers of the President, at pp. 111–120. He stresses the pervasive influences that modify the exercise of power by an official in the United States and in fact in all human organizations.

IV. DEPARTMENTAL MANAGEMENT

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In its various reports, the Hoover Commission has provided new emphasis for departmental management in the federal government. While the term has not been explicitly defined in any of the reports, in usage the phrase "departmental management" has obviously referred to the authority, responsibility, and staff institutions of department heads.[1]

In its report twelve years ago, the President's Committee on Administrative Management gave only passing attention to the matter of departmental structure and leadership. The report made general reference to the need "to reduce to a manageable compass the number of agencies reporting to the President," and then outlined twelve proposed executive departments with broad statements of basic purpose.[2] A single page was devoted to a few observations about departmental management. Each department should have a small number of policy-determining officers at the top; and the department head should have facilities for administrative management, operating generally under a single executive officer who should be a career official.[3] This was the extent of the prescription.[4]

In its first report, "General Management of the Executive Branch," the Hoover Commission has coupled presidential and departmental management. It asserts: "The effectiveness of presidential direction and supervision and the efficiency of administrative operations depend primarily upon the satisfactory management of these operating units."[5] There follow a number of "findings" of fault with the existing structure of executive agencies and the authority of department heads.

The Commission puts forth five general recommendations: (1) that agencies "be grouped into departments as nearly as possible by major purposes in order to give a coherent mission to each department"; (2) that subsidiary bureaus be grouped as nearly as possible according to major purposes; (3) that department heads be given "full responsibility for the conduct of their departments"; (4) that departments be given greater responsibility for the direct performance of

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[1] In this discussion, I shall refer throughout to the reports of the Hoover Commission itself and not to any of the task force reports published as appendices to the Commission reports. Actually, only a part of these task force reports have been published. The present writer was co-author of Appendix E to the Commission reports, entitled "Departmental Management."

[2] See President's Committee on Administrative Management, *Report with Special Studies*, pp. 31 and 33.

[3] *Ibid.*, p. 39.

[4] To be sure, the report was accompanied by a special study by Arthur W. Macmahon entitled "Departmental Management" (*ibid.*, p. 247) which has had a continuing influence upon organizational thinking and practice in the federal government.

[5] Commission on Organization of the Executive Branch of the Government, *General Management of the Executive Branch*, p. 31.

such management activities as budgeting and personnel "under common standards and supervision established for the entire executive branch"; and (5) that department heads be given "adequate staff assistance" to achieve efficiency and economy in departmental operation.[6]

In addition, the Commission has added other recommendations. It has asked that department heads be given the authority to determine internal departmental organization, and at the same time has suggested a standard nomenclature for operating units. By inference, it has suggested that all appropriations be made for "programs" and that allotment of these funds to administrative units be left to the discretion of the department head. The Commission has proposed that staff officers other than under- and assistant secretaries, together with bureau chiefs, be appointed by department heads, "with proper consideration" to the promotion of career employees. It has suggested a common staff organization. Finally, by inference, the Commission proposes that department heads give greater attention to developing the "proper distribution, supervision, and coördination" of field offices.[7] Just how this last is to be done, however, is by no means clear.

In some thirteen subsequent reports, the Commission applied these general recommendations to various activities of the federal government.[8] From these reports, taken together, there emerges a pattern of government organization, a common set of management instrumentalities, and a general theory of administrative structure. Each deserves a few words of comment.

II

In its "Concluding Report," released on May 26, 1949, the Commission presented a chart to indicate its concept of desirable organization structure for the federal government. Here, of course, we are not concerned with the "staff offices" or units of the President's Office. For some reason, however, while the proposed Office of Personnel was shown as a part of the President's Office, the Civil Service Commission was separately included among the "non-cabinet agencies." According to this chart, although nowhere explicitly stated as such, the Commission conceived of three kinds of operating agencies in the federal government. The first type was designated "cabinet departments." The Commission proposed only one new such department, presumably to be called "Department of Social Security and Education." With the National Military Establishment now labeled by law an "executive department," there would accordingly be ten cabinet departments. The major changes in the composition of these departments will be mentioned below.

Secondly, the Commission's chart indicated twelve "non-cabinet" agencies.

[6] *Ibid.*, pp. 34–35. [7] *Ibid.*, pp. 35–45.

[8] The reports which deal with operating structure and activities are: *Foreign Affairs, National Security Organization; Department of Agriculture; Post Office; Medical Activities; Department of the Interior; Social Security; Education; Indian Affairs; Department of Commerce; Treasury Department; Department of Labor; Veterans Affairs; Overseas Administration; Federal-State Relations; Federal Research;* and *Business Enterprises.*

At least two of these seem obviously misclassified: the Civil Service Commission, already mentioned, and the Tax Court of the United States. The last is surely as much a "legislative court" as the Court of Claims and the Court of Customs and Patent Appeals. No President would relish the suggestion that he had any control or supervisory responsibility over the individual cases interpreting the internal revenue laws which are decided by this body. Otherwise, the Commission suggests by implication the desirability of ten operating agencies apart from the cabinet departments. Eight existing agencies would be continued as presently set up in the federal government: the Atomic Energy Commission, the Tennessee Valley Authority, the Veterans Administration, the Housing and Home Finance Agency, the U. S. Tariff Commission, the National Mediation Board, the Railroad Retirement Board, and the Federal Mediation and Conciliation Service. In its report on the Labor Department, the Commission avoided taking any position about whether this last agency should be returned to that department, on the ground that this was a policy issue closely involved in the pending reconsideration of the Taft-Hartley Act of 1947. The Commission definitely recommended the creation of one new "non-cabinet" agency, a United Medical Administration. It "suggested" a new Overseas Affairs Administration, the principal component of which would be the present Economic Coöperation Administration.

In the third category of operating agencies, the Commission proposed to leave unsettled the status of the "independent regulatory commissions," although certain so-called "operating functions" would be transferred to other agencies. There are nine of these commissions at the present time.

The most important changes among the executive departments involved the Departments of Agriculture, Commerce, and Interior. The Department of Agriculture would receive the land management functions now vested in the Bureau of Land Management of the Interior Department. The Commerce Department would receive several new transportation responsibilities, the most substantial of which are the ship chartering and operating duties of the U. S. Maritime Commission. The Interior Department would take over the so-called "civil functions," or rivers and harbors work, of the Corps of Engineers in the Department of the Army. Perhaps also we should note the proposed location of the Reconstruction Finance Corporation, the Federal Deposit Insurance Corporation, and the Export-Import Bank in the Treasury Department.

These various shifts are apparently desirable for two reasons. The Commission assumed that it would be helpful to reduce the number of agencies over which the President must and does exercise some kind of supervision. Its point of view was stated in these words: "There are at present too many separate agencies to permit adequate attention and direction from the President."[9] The second argument is equally familiar: that "many closely related functions" are widely scattered, that some agencies contain "totally unrelated" activities, and that "greater over-all efficiency and improved coördination" may be achieved by grouping activities "according to major purpose."[10]

[9] *Concluding Report*, p. 41. [10] *Ibid.*, pp. 43–44.

The reasons advanced for these structural changes apply doctrines long current in organization discussions. There is nothing essentially new in these proposals; indeed, some immediately recall the executive orders which President Hoover submitted to Congress in December, 1932. Because of changing circumstances, the ideas must continually be given new application; or, for reasons the Commission nowhere explores, the organization structure of the federal government is singularly immune from a general willingness to practice time-honored concepts.

In one respect, certainly, the Hoover Commission's recommendations on organization present a new position. The President's Committee on Administrative Management hoped to encompass administrative activity generally within the twelve executive departments it outlined. With only one new executive department advocated, the Hoover Commission has implicitly given its approval to the existence of "independent establishments." This seems not only realistic but also necessary. For some peculiar reason, Congress is most reluctant to create new agencies legally designated "executive departments." In all the grave events of depression, war, and cold war, Congress since 1913 has created only one new executive department, the Department of the Air Force in 1947; and this status was changed in 1949 when the National Military Establishment became an executive department.

There are no criteria which can enable the commentator to say that the administrative structure proposed by the Hoover Commission will or will not be a measurable improvement over the present one. The best one can say is that there seems no valid reason why the experiment should not be made. Certainly the creation of the United Hospital Administration and of a single Water Development and Use Service might bring some economies in planning and operating these activities. Yet these are the very types of projects whose location is so notoriously dear to the hearts of all congressmen, regardless of political faith; these proposals consequently face the least likelihood of adoption.

III

The Commission also has put forth a common management organization for the top direction of these departments. (These arrangements are presumably applicable also to certain of the non-cabinet agencies, as the report on veterans affairs indicates.) In the introduction to its first report, the Commission stated its basic proposal in these words: "The President, and under him his chief lieutenants, the department heads, must be held responsible and accountable to the people and the Congress for the conduct of the executive branch."[11] "Wise exercise" of this authority, the Commission argued, was impossible without "staff institutions." Later, the Commission asserted as a major finding that "the President and the heads of departments lack the tools to frame programs and policies and to supervise their execution."[12]

The common staff suggested by the Commission would be headed by an under-secretary and "such number of assistant secretaries as may be necessary."

[11] *General Management of the Executive Branch*, p. 1. [12] *Ibid.*, p. 5.

The duties of these officials would be left to the secretary to determine, except that the under-secretary might "undertake general supervision of the department." These officials would be appointed, as now, by the President, with confirmation by the Senate. In a separate category would be an "administrative assistant secretary." The remaining staff would be made up of a general counsel, financial officer, personnel officer, supply officer, management research officer, information and publications officer, and finally a congressional liaison officer.

This proposed top management organization is applied to various agencies in subsequent reports of the Commission. The notable modifications occur in the reports on Foreign Affairs and the Post Office. In addition to the under-secretary, the Commission recommended the creation of two deputy under-secretaries of state, one for "substance" and one for administration. Altogether the Commission recommended eight assistant secretaries, five with "line" duties and three with staff duties (public affairs, economic and social matters, and congressional relations). In its report on the Post Office, the Commission recommended creation of the position of "director of posts." This would be a sort of permanent under-secretaryship to direct internal operations. Otherwise, the various reports of the Commission are generally consistent in advocating a standard top management staff.

There is little which is unique to present practice or prevailing organizational thinking in this prescription. While declining to assert a clear position on the matter, the Commission seemed to favor an arrangement which would make the post of administrative assistant secretary a career position, and which would place certain staff officers such as those in charge of financial, personnel, and supply matters under this official. On the other hand, the Commission made no direct provision for institutional arrangements to handle department-wide policy and program matters. The report of the Commission says only that "it is necessary for department heads to make appropriate arrangements for constant review of departmental policies and programs."[13] The report adds: "These responsibilities must be performed by senior departmental officials." Who these are or how they should operate, the Commission does not indicate.

The separate mention of a "management research officer" is noteworthy. The Commission gives special emphasis to this, in line with its general concern with economy and efficiency. This proposal seems to suggest that a separate officer, and not the departmental budget officer, should perform "organization and management" work at the departmental level. This suggestion seems all the more remarkable in the light of departmental difficulties first of all in obtaining appropriations for central staff and secondly in justifying administrative management or management improvement activities. If this recommendation were generally adopted, it might do much to advance a separate profession of management research in the federal government. Yet at the same time it would present a continuing challenge to management research to demonstrate usefulness, which undoubtedly would be measured primarily in terms of reduced appropri-

[13] *Ibid.*, p. 38.

ation requests for departmental operations. How long any management research would survive such a spotlight, or the probable hostility of operating heads, would be anyone's guess.

Then the Commission suggests a separately identified "congressional liaison officer." On the one hand, this attests the growing concern of departmental management with legislative relations. On the other hand, whether the solution to an acknowledgedly perplexing problem is the creation of a designated congressional liaison officer, only experience can demonstrate. The State Department has already named an assistant secretary for this specialization, and other agencies may follow the arrangement. In the past, secretaries and under-secretaries have followed a variety of practices in keeping up their contacts with legislative committees. Usually a considerable part of their own time has gone into this activity. It seems unlikely that any department head can substantially reduce this personal responsibility.

IV

Finally, the recommendations of the Hoover Commission reveal a general theory about government organization. For lack of better designation, we may speak of it as the "authority" or "line of command" theory of administrative structure. Thus the Commission declares: "The exercise of authority is impossible without a clear line of command from the top to the bottom."[14] It adds that "lines of authority are confused" at the present time. Any "systematic effort" to improve government organization, the Commission says, must among other things "establish a clear line of control from the President to these department and agency heads, and from them to their subordinates with correlative responsibility from these officials to the President, cutting through the barriers which have in many cases made bureaus and agencies partially independent of the Chief Executive."[15]

Speaking more specifically of departments, the Commission notes:[16] "The line of authority from departmental heads through subordinates is often abridged by independent authorities granted to bureau or subdivision heads, sometimes through congressional acts or stipulations in appropriations. Department heads, in many instances, do not have authority commensurate with their responsibilities. Such bureau autonomy undermines the authority of both the President and the department head. There is, therefore, a lack of departmental integration in performing the department's major mission."

To meet this avowedly undesirable situation, the Commission has certain specific recommendations. Bureau chiefs should all be appointed by department heads, with "proper consideration" to the promotion of career employees. Secondly, the department head "should be given authority to determine the organization within his department." And thirdly, he "should be given authority to assign funds appropriated by the Congress for a given purpose to that agency in his department which he believes can best effect the will of Congress."[17]

[14] *Ibid.*, p. 1. [15] *Ibid.*, p. 7. [16] *Ibid.*, p. 32. [17] *Ibid.*, p. 41.

If these three recommendations were generally adopted, there can be no doubt that some department heads would receive a substantial increase in authority. Although the Commission report did not repeat or comment upon the departmental management task force report on this subject, it took a definite stand. The task force pointed out that departments and agencies, in terms of authority, were of two primary types. In some departments and agencies, the legal authority and responsibility of the department head is extensive. This is notably true in the State Department, Treasury Department, Post Office Department, Agriculture Department, and the Veterans Administration. On the other hand, some department and agency heads possess only the vague authority to "direct and supervise" constituent agencies. This is especially evident in the Interior Department, Commerce Department, Labor Department, Federal Security Agency, Housing and Home Finance Agency, and Federal Works Agency. The Commission thus adopted the general proposition that there should be only one type of department, the first type.

Where strong departments *as departments* have been created, one of two predisposing conditions has existed. Either the department or agency has had a more or less well defined and single task to perform, as is the case of the State and Post Office Departments, or departmental jurisdiction has coincided with powerful interest groups who have wished to exercise their influence directly through the department head, as in the case of the Agriculture Department and the Veterans Administration. But where powerful professional and other groups have been interested in a particular agency, whether a bureau or separate establishment, there has been strong opposition to extensive and *real* discretion in a department head who might exercise some kind of supervisory restraint. For evidence, one needs think only of such agencies as the Public Health Service, the Office of Education, the Public Roads Administration, the Bureau of Reclamation, the Civil Aëronautics Administration, and the Federal Housing Administration. Every one of these is a constituent part of an executive department or agency. Yet in reality each operates with that "autonomy" which the Hoover Commission has deprecated.

Our democratic society is one composed of numerous differentiated groups, each highly articulate and many with real political influence. As these groups have sought to use the instrument of government to advance their particular purposes, they have, of course, insisted upon close working relations with the resulting administrative agency. Not all government activities are to be traced to so simple an explanation, but most agencies develop some sort of close following in our society or they do not long endure.

The "integration" objective of most government reorganization studies has generally overlooked or ignored this factor of the interrelationship between administrative agencies and the inherent characteristics of our democratic society. The Hoover Commission must apparently be included in this number. No doubt political pressures may be played against one another when administrative structure permits. A department head with greater legal responsibility for various activities might be able to balance the desires of particular groups, or even

to compromise them. Most groups are not enthusiastic about such a possibility.

This situation inevitably poses two major questions. The first is whether the group element of our society would be in any way impaired by a more highly integrated administrative structure. The second is whether any mere change in legal authority of department heads can vitally affect the political realities of our society.

It has often been said that the primary function of the "successful" politician is to build a synthesis of various groups into a continuing and satisfied coalition of political power. If this be true, why should the "successful" administrator be any the less concerned with the same, if somewhat more limited, synthesis? Yet, interestingly enough, the opposition to any arrangement which would encourage administrative balance comes from the groups which would be affected thereby. Obviously, they do not anticipate with pleasure any prospect of being "synthesized."

On the other hand, regardless of his legal authority, no department head, say for example in the new Department for Social Security and Education, would dare irreconcilably outrage either the social welfare or educational groups of the nation. Similarly, the head of the housing agency must constantly balance the public housing enthusiasts with the interests of private mortgage institutions. A change in legal authority could neither confer political sagacity upon a department head nor suddenly free him from the need for political sensitivity.

Today, a President who was ready and willing to challenge a particular group could use his undoubted constitutional authority to sustain a department head, regardless of the latter's legal authority, against a recalcitrant bureau chief. But "live and let live" is more than the path of least resistance in politics; it may even be the price of survival. At any rate, political strategy dictates a practice of fixing upon limited objectives at any one period of time.

To this writer, then, the theory of "authority" or "line of command" in organization structure appears to be a reasonable, but long-term, goal to be approached gradually and partially. But it is an objective which will bring no miracles in public life, no amazing accomplishments in "economy and efficiency" in the performance of government activities.

V. FOREIGN AFFAIRS

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A noteworthy indication of the impact of the Hoover Commission's recommendations regarding governmental organization for the control of the foreign

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relations of the United States is the recent reorganization of the Department of State.[1] Accepting the view of its Foreign Affairs task force[2] that the United States must be "prepared to furnish leadership for the democratic nations of the world," the Commission's recommendations were based on several premises. First, such leadership requires positive policies of a coöperative nature. Unilateral statements of policy such as the Monroe Doctrine, requiring little active implementation, have yielded to such international commitments as the Atlantic Pact and the United Nations Charter. Secondly, the task force concluded that foreign affairs are the business not only of the President and Department of State, but of the President supported by almost the entire executive branch of the government. Mr. Stimson has declared: "Foreign affairs are now our most intimate domestic concern."[3] Thirdly, in view of the increased importance of economic aid as an instrument of policy, Congress, already possessing great legal authority in foreign relations, has fallen heir in practice to an increasingly significant rôle. If policy is to be executed, Congress and the President must be in agreement. Public support of policy, it also was noted by the Commission, can do much to effect such agreement.

The foreign affairs recommendations of the Hoover Commission relate in the main to three basic problems: (1) interdepartmental coördination; (2) the organization of the State Department and the Foreign Service; and (3) executive-legislative relations in matters of foreign policy.

I. INTERDEPARTMENTAL COÖRDINATION

The Hoover Commission's *Foreign Affairs Report* brought into sharp focus the complex maze of interdepartmental relationships involved in the formulation of modern United States foreign policy. "Of 59 major departments and agencies in the executive branch, at least 46 are drawn into foreign affairs to a greater or less extent."[4] Thus no fact emerged more clearly from the Commission's report than that the area of external policy cannot be considered the special preserve of any single department, but is and must be open to the whole executive family.

The present system of executive direction is a somewhat tangled web of 33 interdepartmental committees, many of which operate without benefit of any close presidential supervision. Since the relationships within this family are frequently as turbulent as those of the most unruly clan, the Hoover Commission devoted special attention to those factors which have made it most difficult for the executive branch to evolve a coördinated foreign policy. Among

[1] This reorganization was made possible largely by the passage of S1704, by the 81st Congress in May, 1949. In the realm of foreign affairs, both the legislative and executive branches have acted promptly on the Commission's recommendations.

[2] The task force, appointed in January, 1948, was headed by Mr. Harvey H. Bundy and Mr. James Grafton Rogers, former assistant secretaries of state, with the Hon. Henry L. Stimson as adviser. John F. Meck, Jr., was executive secretary in charge of a small staff which prepared various studies.

[3] H. L. Stimson and McG. Bundy, *On Active Service in Peace and War* (New York, 1948), 157.

[4] *Foreign Affairs Report*, p. 4.

those mentioned specifically by the Commission were: (1) the unprecedented magnitude and complexity of modern international relations, (2) the absence of adequate staff assistance for the President, (3) congressional poaching on the executive domain in the form of various legislative restrictions and the delegation of authority to officials below the President in the executive hierarchy, (4) the usual jurisdictional jealousies among the departments and agencies, and (5) the special autonomy enjoyed by the "headless fourth branch"—the independent regulatory agencies.[5]

In making its recommendations to help combat these divisive forces, the Commission compromised between the traditional view that the State Department, acting in the name of the President, should be the director of foreign policy within the executive branch, and a second view which has been championed by certain critics of the State Department that the President himself should do the coördinating with the help of a reinforced staff organization. The Commission's middle-of-the-road policy emphasized the President's ultimate responsibility for foreign, as well as domestic, policy, but at the same time cast the State Department in the rôle of "staff specialist" under the President in the international area. This solution was brought forth under the practical and experienced guidance of Dean Acheson on the Commission and Harvey Bundy and James Grafton Rogers of the task force, all of whom had served in the Department and sincerely believed that foreign affairs is the business of the Secretary of State.

Specifically, the Commission made the following recommendations: (1) Congress should not delegate new foreign affairs authority to any agent other than the President or an established department or agency.[6] (2) It should leave the President the greatest freedom in determining the membership and authority of coördinating and advisory bodies within the executive branch.[7] (3) The President should create cabinet-level committees to coördinate policy in those areas "where the issues transcend the responsibility of any single department."[8] (4) A "staff secretary" to the President should be appointed to keep the President "advised of policy issues being considered" in the cabinet-level committees, and "of any overlapping assignments or conflicts which may exist."[9] The State Department should concentrate on performing its traditional tasks of representation, reporting, negotiation, and policy-planning. Moreover, as "staff specialist" to the President, the Department should serve as the "focal point for coördination of foreign affairs activities throughout the Government . . . except . . . in crucial areas where cabinet-level committees are involved."[10] (5) The State Department, as a general rule, should not be given responsibility for the operation of specific programs "unless unusual circumstances exist."

The fundamental problems with which the Commission had to wrestle in formulating these recommendations are not new in the field of political science,

[5] This phase of the problem is dealt with in another section of this symposium (see pp. 978–989 below).

[6] *Foreign Affairs Report*, p. 23. [7] *Ibid.*, p. 24.

[8] *Ibid.*, p. 26. [9] *Ibid.*, p. 28. [10] *Ibid.*, pp. 29–32.

and the Commission was little more successful than many who came before it in battling these doughty veterans. In the first place, as the Commission admits in a brief and pregnant aside, "the Cabinet . . . is not and cannot become an effective deliberative council of advisers to the President."[11] The very lack of a tradition of collective responsibility, so characteristic of the American cabinet, will tend to hobble any cabinet-level committee. There is also the question of what departments—or, perhaps more important, what personalities—to have represented on particular committees. Should these committees be small and unrepresentative or large and unwieldy? Who should be chairman? How can these committees best be organized to relieve the President and yet not by-pass him? All of these problems, symptoms of the fundamental lack of collective responsibility in our executive branch, stand silently in the background of the Hoover Commission Report.

A second fundamental issue raised by the Commission's recommendations revolves about the suggested staff secretary to the President. This proposal was the result of a forced union between two conflicting points of view. Those who favored a strong executive office spoke in terms of a full-blown "cabinet secretariat" after the British model as exemplified by Lord Hankey and others. Those who were more wary of cabinet sensibilities felt that only a relatively anaemic secretariat would be tolerated by the jealous cabinet officers. Others felt that a "cabinet secretariat" would infringe upon the preserve of the Bureau of the Budget. The final solution was to recommend the appointment of a "staff secretary," without actually using the suspect term "secretariat," and to shackle him with quite specific and stringent limitations. (1) It was never contemplated that he would make decisions for the President, as James Byrnes was allowed to do in similar staff posts, but merely to "advise" the President. (2) Nor is he to submit advice on "any issue of policy."[12] (3) Nor may he "review (in a supervisory capacity) the substance of any recommendations made to the President by any part of his staff."[13] (4) Furthermore, he will have no direct control over the secretariats of the various cabinet committees, since each committee will maintain its own.[14] (5) His sole functions will be to "keep the President advised of policy issues being considered by the principal cabinet-level committees and of any overlapping of assignments or conflicts which may exist."[15]

If the true purpose of such a secretary is to relieve the presidential burden, this limited concept of his functions would scarcely seem adequate. Events themselves, however, may complete what the Commission has just begun. If the experiences of such presidential aides as Hopkins, Byrnes, and Smith have taught us anything, it is that the very pressure of work forces such assistants of the President to assume extremely important functions in matters of policy as well as administration, decision as well as advice, supervision as well as information. The effect of such an appointment should not be merely to give

[11] *Foreign Affairs Report*, p. 11.
[12] *General Management Report*, p. 22. [13] *Ibid.*
[14] *Foreign Affairs Report*, p. 28. [15] *Ibid.*

the President one more official to consult with, but rather to spare the President the task of resolving those conflicts which can be resolved at a lower level in accordance with his general policy directives and always with his right of appeal. Executive coördination would also be strengthened if all cabinet committee secretariats were appointed and supervised by the President's staff secretary. To the criticism that such a figure might outshine the President, the obvious reply is that, whether a career man or a political appointee, he should remain in that post only at the pleasure of the Chief Executive. To the warning that his authority might antagonize department heads, one can only answer that others, especially Sidney Souers as executive secretary of the National Security Council, have performed similar tasks without unduly disturbing the hornets' nest. In the final analysis, the positive contributions of such a man would seem to outweigh any possible negative effects.

A third major issue raised by the Commission's recommendations arises out of the State Department's mixed rôle as coördinator as well as one of the coördinated. In considering the Department's Janus-like position, the Commission undoubtedly had little choice but to accept it realistically as an ineluctable fact. On the other hand, readers of the *Foreign Affairs Report* may well wish that it had devoted more attention to the thorny problem of how and when to coördinate the coördinator. Who is to decide when there is a need for coördination at a level above the Department? If the Secretary of State is to be principal adviser to the President on matters of foreign policy, undoubtedly he will exercise predominant influence. Perhaps a strong staff secretary such as the one discussed above might serve as a convenient counterbalance. Perhaps, to spare the President from having to make every one of these decisions, a cabinet committee might decide such questions with the right of appeal to the President. If additional consideration is not given to such questions as these, the Commission's recommendations may scarcely alter the present pattern of executive relationships.

A fourth major issue involves the Commission's decision that the State Department "as a general rule should not be given the responsibility for the operation of specific programs unless unusual circumstances exist."[16] Two significant factors that led to this conclusion were the strong criticism voiced in Congress and other influential quarters concerning the Department's past administrative record, and also the view prevalent among many of the Department's own officials that it should not attempt to "operate" but should concentrate on "policy." A close look at any program such as ECA, however, reveals that the formulation and execution of policy are two sides of the same coin and can scarcely be separated from each other. Furthermore, certain programs, such as "The Voice of America," are so closely tied in with foreign policy that it may well be that they should be operated by the State Department and not a separate agency. Thus there is a danger that so many exceptions will twine themselves about the original "general rule" of no "operations" for the State Department that it will become almost completely hidden from sight. Yet such

[16] *Foreign Affairs Report*, p. 32.

a general principle may prove useful in preventing any operation lying outside the United States from being assigned automatically to the State Department when some other department or agency may be better equipped to handle it.

This brief scanning of the high points of the Commission's recommendations on interdepartmental coördination leaves one impressed by the fact that it was greatly limited by the "realities" of the situation. The Commission could not create by fiat a tradition of collective responsibility in the cabinet where none now exists. Its suggestions, therefore, were not world-shaking. They called for nothing very specific nor concrete except the appointment of a staff secretary to the President, a plan that has yet to be put into effect. Rather, the recommendations tacitly emphasize the development of psychological attitudes —the building of a spirit of understanding and confidence between the executive and legislative branches as well as within the executive branch. Within the limits of our constitutional system, these are not impractical nor inconsequential suggestions; they cannot be accomplished over-night. Furthermore, the discussion above indicates that there are implications swimming quietly beneath the Commission's recommendations that require more attention than was possible in the *Foreign Affairs Report.*

II. INTERNAL ORGANIZATION OF THE DEPARTMENT OF STATE

1. *Geographical Organization and the "Staff"-"Line" Concept.* The Commission and State Department officials both agreed that the Department should be organized primarily, but not exclusively, on a geographical basis.[17] In recent years, its work has been carried on by two types of units, geographical (or political) and functional (or economic). The functional units tended to duplicate the work of other departments and agencies such as Commerce and Labor. Both functional and geographic units tended to duplicate each other, i.e., the functional units were apt to have geographic subdivisions while the geographic units often had functional subdivisions. Such a system involved a great deal of inefficient lateral clearance and made difficult the assignment of responsibility.

In an effort to fix responsibility at the operating level, either for taking action or for the action taken, the Commission looked to the development of the more traditional geographical type of organization to solve the frustrations of lateral clearance and divided authority. The reorganization of May, 1949, however, demonstrates that problems of foreign policy require the attention of both functional and geographic experts. State must have the benefit of economic experts if it is to advise and consult intelligently with the departments and agencies that control important instruments of foreign policy such as Agriculture, Commerce, and the Maritime Commission. At the "line" or "operational" level, therefore, problems are placed for action in one of five major operating branches, each headed by an assistant secretary of state who has greater re-

[17] The Commission and its task force kept in close touch with the organizational plans for the State Department developed under the direction of Secretary Marshall, Under-Secretary Lovett, and Assistant Secretary Peurifoy.

sponsibility than in the past for making important decisions and for coördinating the areas of the Department concerned with a given problem. Four branches are organized geographically to deal with European Affairs, Near Eastern and African Affairs, Far Eastern Affairs, and Western Hemisphere Affairs, but each will have functional or "technical" experts to advise the "generalists" dealing with the problems of these regions. Diplomatic missions and consular offices report, of course, to the assistant secretary of their respective geographic subdivisions. While the present "office" set-up is eliminated, the division structure remains substantially the same under the assistant secretaries, a division generally existing for each country or group of smaller countries. The other operating branch deals with the United Nations and its related agencies.

This last development shows that the trend in the conduct of foreign affairs is toward multilateral dealings instead of the conventional bilateral approach. The appointment of an Assistant Secretary for United Nations Affairs was a logical development of the Office of United Nations Affairs which for a long time was not headed up by an assistant secretary. The question at once arises as to why this "function" should not be dispersed in the regional groupings at the "line" level. The answer is that many political and administrative questions in regard to the United Nations and other international agencies transcend any geographic compartmentation, while many political questions of a given region need evaluation in the light of over-all United States policy in regard to international organization. The Commission's Foreign Affairs task force had originally recommended that the Assistant Secretary for United Nations Affairs be charged also with the interdepartmental coördination required for dealing with international organizations. The Commission, however, wisely reached the conclusion that though these two functions are closely related, they are essentially dissimilar. Mr. Webb, as under-secretary, is apparently responsible for maintaining good relations with the White House and between State and other agencies of the government.

Another branch is headed up by an Assistant Secretary for Public Affairs who was intended by the Commission to be responsible for public liaison both in the United States and overseas. The task force, however, had recommended that the State Department shed the management of "The Voice of America" and the overseas educational and cultural programs, noting that State should not have operating responsibility. Close policy control of these operations is essential, however, and the Commission's decision seems sound since information or "propaganda" is a major instrument of policy. Yet recent reports indicate that Assistant Secretary Allen is not advising the Secretary on the all-important problem of public opinion aspects of foreign policies.[18] More than ever, policies require public support for their implementation. Yet the operation of "The Voice of America" is taking most of Mr. Allen's time. The problem may be solved if the Department follows the Commission's recommendation in appointing a "general manager" to be responsible solely for the operation of information programs abroad. Nor has Mr. Allen had time to take primary responsibility

[18] James Reston, *New York Times*, Mar. 28, 1949.

for relations with the press, an important staff function for the successful implementation of policy. In sum, the Commission stated that action in the public affairs field is not of the same character as that required of the regional and international organization branches. Both "staff" and "line" functions are involved.[18a]

The Secretary of State not only is aided by the five assistant secretaries in charge of operations, but he has in addition considerable "staff" assistance that reduces the grueling work-load that has been the recent lot of American Secretaries of State. In addition to Under-Secretary Webb, who speaks for him in his absences abroad, and the Assistant Secretary for Public Affairs, Mr. Acheson is assisted also by two assistant secretaries whom he has designated as deputy under-secretaries. One is in charge of administrative management both of the State Department and its missions abroad. The other is responsible for substantive functions and coördination, especially for supervising a high-level staff committee, designated as an "executive committee" by the Commission, and an Executive Secretariat which are to insure thorough consideration of all aspects of policy matters and to enforce prompt and orderly procedure. The responsibility for the formulation of immediate foreign policy proposals and for action in support of approved policies is now delegated to the five "operating" assistant secretaries by the deputy under-secretary concerned with policy through the Operations Committee. An officer charged with recommending policy consults other regional desks and interested groups at the staff level in the Department to obtain advice, but is not required to obtain their concurrence. Dissenting views by an advisory unit, however, may be attached to a policy paper. Action on a given recommendation is restricted to the five assistant secretaries, the deputy under-secretaries, the under-secretary, and the secretary. The delays of lateral clearance and the dangers of irresponsibility should be greatly minimized.

The Commission recognized that the Policy Planning Staff headed by Mr. George Kennan was an essential element of the "staff" in that it endeavored to anticipate problems by providing the "top command" with a "look around the corner." The Commission noted, however, that this Policy Planning Staff was drawn increasingly into current operations and away from its assigned function of both long-range and short-range planning. The Commission felt that it should concentrate on long-range planning, leaving immediate policy decisions to the Operations Committee, composed of the top "line" and "staff" officers meeting daily with the deputy under-secretary for policy.

The Commission consequently recommended the creation of the post of Planning Adviser for the formulation of long-range planning, and at the same time it recommended the abolition of the post of Counselor. The reorganization, however, retains the old post of Counselor who, with the Legal Adviser, ranks equally with the assistant secretaries of state. Mr. Kennan has succeeded Mr. Bohlen as Counselor, the latter going as minister to the United States Embassy in Paris. The question arises whether the job of long-range planning

[18a] *Foreign Affairs Report*, pp. 41, 54–55.

will be any better accomplished, since the Policy Planning Staff works under the direction of Mr. Kennan, who, it appears, must inevitably continue to be drawn into current political problems. Some State Department officials have argued that the Hoover Commission's concept of a long-range planning staff, set apart from current problems, is not valid. This may well be true; but will the United States continue to find itself confronted by emergency problems, such as foreign aid, without advance warning and preparation?

The Commission was aware that relations between the State Department and the Hill seriously deteriorated following the close of World War II, in spite of the fact that effective legislative collaboration was essential as never before in view of the requirements of United States foreign policy. The State Department was recommended, therefore, to establish a coördinated program of congressional liaison at the staff level under the supervision of an assistant secretary with no other duties. Assistant Secretary Gross now devotes nearly all of his time to this important job. When Assistant Secretaries Long and Acheson, starting in 1940 and 1944 respectively, gave full time to congressional liaison, relations between the Hill and the State Department were never better. The need to utilize the post of assistant secretary for another purpose and the resignation of Mr. Acheson from the Department in 1946 led to assumption of the duties of congressional liaison by Mr. Bohlen as Counselor. Unfortunately, the latter had little time to spend on the Hill, since his advice was constantly sought at the Department with regard to political problems involving the Soviet Union.

The staff level is completed by the post of Assistant Secretary for Economic and Social Policy, currently occupied by Mr. Thorp. He is charged with providing "a source of economic, social, and other advice from a global standpoint" and serves as "a channel of communication and focal point of coördination with the other departments and agencies in the executive branch." He is assisted by a group of functional advisers which is relatively small in comparison with the body of experts who used to be headed up by an Under-Secretary for Economic Affairs, a post that was held by Mr. Will Clayton. The Commission advised that this smaller group should not duplicate the work of other departments and agencies. The nature of Mr. Thorp's work is made clearer by the fact that he headed the interdepartmental steering committee charged with the formulation of plans to implement the Administration's program for aid to "under-developed" areas.

2. *A Single Foreign Affairs Service.* The Foreign Affairs task force reported to the Commission that "there is serious unrest in the relations between the Foreign Service and the State Department personnel of the Civil Service"; and the Commission recommended that the personnel in both services above certain levels "be amalgamated over a short period of years into a single foreign affairs service . . . obligated to serve at home or overseas and constituting a safeguarded career group administered separately from the general Civil Service as it now exists."

This recommendation was the most recent of a number of proposals to com-

bine the foreign and home services. The unsatisfactory condition noted by the task group stems from a number of causes. The State Department and its overseas missions have been served for a number of years by two separate groups, the Foreign Service and the Civil Service—about equal in size as regards the number of United States citizens employed. Although Foreign Service officers constitute a relatively small minority in the State Department, they control key positions and tend to develop special interests. Within the corps, there is a tradition of common experience and of hardships shared together, of common training, and, in the past, of common background, with the inevitable result of a generally uniform outlook that may on occasion be set against the interests of the Department as a whole. Under the Foreign Service Act of 1946, the Service was largely self-administered, independently to some degree of the Secretary of State and quite separately from the Civil Service officers in the Department. Salary scales extend considerably higher than those of the Civil Service. There continue to be, in fact, examples of inequalities of compensation among people doing the same work both in Washington and abroad. Inevitably, jealousies have arisen, with social distinctions tending to assume unfortunate proportions. Its nearly autonomous status, coupled with the continuity of its personnel as compared with the political appointments of the top command, have tended to endanger discipline within the Department. Continuity of experience and special knowledge are important elements in a foreign office, but they should not frustrate the democratic process.

The reorganization act amends the Foreign Service Act of 1946 so as to transfer to the Secretary of State the authority formerly exercised by the Director-General of the Foreign Service. The Senate Foreign Relations Committee reported that it agreed with the State Department and the Hoover Commission that "the vesting of authority, by statute, in subordinate officials, which makes them relatively independent of the Secretary, leaves lines of responsibility unclear and tends to result in bad administration."[19] While the Hoover Commission recommended that the office of the Director-General be abolished, the State Department wanted to retain the position "although in a staff capacity." The independent status of the Foreign Service is thus greatly modified, and the Secretary of State now has close administrative supervision of all his subordinates. It is understood, moreover, that the reorganization act paves the way organizationally for eventual consolidation of the home and overseas services of the State Department.[20] In order to preserve the morale of the Foreign Service and to avoid discarding too abruptly those Civil Service officers who may not wish to assume the responsibilities of the new service, the Commission recommended that the consolidation be *gradual* although *mandatory*. The conduct of a modern foreign policy, the Commission felt, does not require the services of an élite corps so highly specialized as to be organized and controlled almost independently of the State Department.

[19] Senate Report, on S. 1704.

[20] See statement by Associates of the Commission on Organization of the Executive Branch of the Government, *New York Times*, May 22, 1949.

In the past at least, overseas representatives of the United States tended to lose contact with America, to the detriment of the Department's function of representation. This problem of "maintaining a fresh sense of American interests among diplomats" worried Secretary of State Thomas Jefferson,[21] and has plagued his successors ever since. Improved standards of training in the Foreign Service Institute, however, and longer tours of duty in the United States are provided in the unamended portion of the 1946 act and should do much to alleviate this difficulty.

III. EXECUTIVE-LEGISLATIVE RELATIONS

The character of our government requires that our foreign policy, in order to be effective, receive active support at both ends of Pennsylvania Avenue. Yet all too frequently this necessity has proved a disastrous Achilles heel. The Foreign Affairs Report briefly discussed this problem and suggested both that the two branches develop a spirit of "mutual coöperation and restraint," and, in the case of the Department of State, that the important function of maintaining liaison with Congress become the full-time responsibility of an assistant secretary of state rather than the part-time responsibility of the Counselor.

A great deal was left unsaid in the Commission's report, however, concerning various possibilities for encouraging "mutual coöperation and restraint" at the topmost level between the President and the Congress. Several of these possibilities were examined by the Commission's own task force, but none was considered politically or administratively practical. As the task force staff pursued its mission, it became more and more aware of the fact that the executive-legislative relationship has become perhaps the most crucial problem of all in the foreign policy sphere, and yet perhaps the most difficult to solve without remodeling our whole governmental apparatus. Yet at no time was there any strong support for the plans which some scholars have proposed in order to bestow upon our chief executive some of the prerogatives enjoyed by the British cabinet with respect to Parliament.[22] There seemed little possibility of evoking sufficient political support in the country for any kind of fundamental reform that would require far-reaching constitutional amendments. Habit is strong and, as Locke said, people are not easily got out of it.

The only suggestion for constitutional amendment which met with any considerable approval was the perennial proposal to eliminate the requirement of a two-thirds Senate vote for the confirmation of treaties.[23] There was, however, some feeling in the Commission that this was a matter of substance and that the Commission's jurisdiction was limited to procedure. Moreover, the Senate has been willing to temper the two-thirds rule with a judicious use of executive agreements supported by joint congressional resolutions. With close coöperation between the two branches, the two-thirds rule is scarcely an insurmount-

[21] L. D. White, *The Federalists; A Study in Administrative History* (New York, 1948), p. 129.

[22] William Yandell Elliott, *The Need for Constitutional Reform* (New York, 1935).

[23] J. S. Dickey, "Our Treaty Procedures versus Our Foreign Policies," *Foreign Affairs*, Apr., 1947.

able obstacle, the birth pangs of the North Atlantic Pact notwithstanding. Without such coöperation, even the elimination of that rule would not assure success. The Commission's final solution, therefore, was to announce that the "question of a change in the present requirement of a two-thirds Senate vote is deemed . . . to be outside the province of this Commission."[24]

Another possible reform, advocated in part by Senator Estes Kefauver and Secretary of State Hughes, was a provision for the regular appearance of cabinet officers on the floor of Congress to be questioned by members of the House and Senate. The advantages of such a system would, however, probably be more symbolic than actual. The formality and intense publicity of such performances would tend to preclude any intimate exchange of ideas, any revelation of confidential information, or any effort to achieve genuine collaboration. The present system of congressional committee hearings, even with its shortcomings, would seem better suited for these purposes.

The final device considered was the formation of some kind of joint executive-legislative committee. This idea has many backers, including Robert M. La-Follette and Thomas K. Finletter, and was even incorporated in the Senate's version of the Legislative Reorganization Act of 1946, only to be eliminated by the House leadership. The Foreign Affairs task force finally decided, however, not to recommend it to the Commission. The arguments levelled against it were: (1) that it would tend to tie the President's hands; (2) that its effectiveness would depend to a large extent on the caliber of the men who happened at any given moment to occupy the top positions in both branches; (3) that if it failed to function, it would be an embarrassing organizational corpse; (4) that its work could be better done by informal *ad hoc* meetings between the leaders of the two branches; and (5) that it would tend to ignore the fact that the titular leaders of the branches might not be their real leaders.

While these are compelling arguments, there is a certain hard core of wisdom in the executive-legislative committee idea that deserves careful thought. There is little doubt, in fact, that our foreign policy cannot long remain either positive or consistent unless there is constant and frank collaboration between the President and his advisers, on the one hand, and top congressional leaders on the other. Secretary Cordell Hull's experience in selling the U. N. Charter to the Congress clearly demonstrated this fact. Moreover, his Advisory Committee on Postwar Foreign Policy, on which both executive and legislative officials were represented, proved a useful instrument for achieving such collaboration. This and other experiences indicate that such consultations should be regular rather than desultory, as they have usually been in the past, in order to build a solid foundation of mutual trust. They should also be informal and off-the-record. Decisions would be merely advisory, not binding. To insure maximum continuity, they should also be bipartisan, since they would concern only the most crucial and fundamental issues of foreign policy. The probable core of

[24] Another related amendment that is winning some support is the proposal to change the term of Representatives to four years in order to match the President's term and lessen the likelihood of divided party control between the White House and Capitol Hill.

such meetings would be the President, or the Secretary of State, and the chairmen and ranking minority members of the Senate and House foreign affairs committees. Others could be added according to the circumstances. Such collaborative consultations cannot and should not obliterate the constitutional division between the two branches, but they would serve as a useful bridge between them and a symbol of their common objectives. Statesmen of the caliber of Secretary Acheson or Senators Connally and Vandenberg may not always be on hand to bridge the gap.

All in all, on this subject of executive-legislative relations, the Hoover Commission made the important contributions, first, of examining the problem and, secondly, of suggesting a return to the practice of designating an assistant secretary of state for congressional liaison. It is to be regretted, however, that the Commission did not discuss at greater length the possibilities of encouraging greater collaboration at a higher level between the Chief Executive and Congress. Since it is through the eye of this needle that most of our foreign policy programs must eventually pass, no problem deserves more attention in the near future.

The Hoover Commission's Foreign Affairs task force worked closely with State Department officials, presidential advisers, and key figures on the Hill. In the Commission itself, Mr. Acheson was the guiding spirit in the final drafting of the *Foreign Affairs Report.* As a result, the Commission's recommendations in regard to the conduct of foreign affairs smack of reality and, in the main, have been promptly adopted. This is particularly true of those recommendations dealing with the internal organization of the State Department. Improved procedures for the conduct of foreign policy are the result. Many difficulties, however, remain to plague those whose responsibility it is to guide the United States in international affairs. These difficulties stem from our governmental system and relate largely to the division of power between the legislative and executive branches of government. A solution to these difficulties will not come from an overhauling of the executive branch alone, but must come through changes in our system of government. Such changes have come in the past, because the Constitution is susceptible of fresh interpretations or of amendment.

VI. THE REGULATORY COMMISSIONS REVISITED

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I. THE PROBLEM POSED

The Hoover Commission's approach to the independent regulatory commissions was inevitably affected by the report on the same subject prepared by its illustrious predecessor, the President's Committee on Administrative Management. Largely as a result of the work of the Brownlow-Merriam-Gulick com-

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mittee, the nature of the administrative problems posed by the regulatory commissions is generally well understood, and can be summarized briefly.

First, the regulatory commissions have an unusually broad range of responsibilities, typically with a four-fold task of administration, legislation, prosecution, and adjudication. The commissions may be thought of as miniature governments, with the full range of governmental authority in certain subject-matter fields. They have large technical and professional staffs engaged in inspection, examination, licensing, research, and enforcement functions. They legislate by the issuance of procedural and substantive rules and by the development of principles imbedded in the decisions of particular cases. They are often authorized to bring prosecutions, either before their own tribunals or in the regular courts, for the purpose of compelling obedience to the statutes or regulations for whose enforcement they are responsible. They act as quasi-judicial tribunals for the finding of facts.

Second, the regulatory commissions are unusual in the extent of the discretion they are given, and in the initiative they must take in formulating public policy. In no one of their areas of activity is their task a passive one. Not even in their quasi-judicial aspect can the commissions simply sit back, like a court, and wait for their services to be invoked by litigants. For the commissions are charged with active representation of the "public interest,"as defined more or less specifically by Congress. The commissions must originate, or at least spell out, regulatory policy, and must infuse that policy into all their operations. They must be able to accept responsibility for meeting the challenge of new legislation or situations, and for dynamic policy formulation. They cannot be content merely to preside over a mass of routine procedures or allow policy to be the formless excretion of day-to-day operations.

Yet, in the third place, these exacting responsibilities for policy leadership and administrative direction must be assumed by plural executives ranging from five to eleven members, an arrangement imposing administrative handicaps which single-headed executives never have to face. Boards, as Alexander Hamilton long ago pointed out, "partake of a part of the inconveniences of larger assemblies. Their decisions are slower, their energy less, their responsibility more diffused."[1] More particularly, the problem in the case of the regulatory boards is, first, that within the board itself of making up a collective mind, of developing clear-cut points of view, of moving with force and dispatch. Second, there is the dilemma of relating a plural executive to its staff—of providing proper channels and instruments for communication of board policies, for direction of the technicians and experts, for control over, review of, and participation in administrative decisions. It is a task, both in commission policy and administration, of developing unity out of diversity.

Finally, these commissions, located outside the regular executive departments, enjoy a vague and undefined degree of "independence" from the President which is often alleged to be balanced by an equally vague obligation to act as "arms of Congress." Freedom from executive control, to the extent that

[1] *The Works of Alexander Hamilton*, ed. Henry Cabot Lodge, Vol. I, p. 219.

it exists as a result of assured tenure of office and absence of normal channels of communication with the White House, raises broad questions of democratic responsibility and more specific questions of coördination of regulatory policies among the commissions themselves and between the commissions and other executive agencies.

II. VIEWS OF THE PRESIDENT'S COMMITTEE

The conclusions of the President's Committee on the problem of the regulatory commissions were based upon a noteworthy monograph prepared by Robert E. Cushman. His report was relatively brief; essentially it gave a bird's-eye view of the problem, and was not founded on substantial new research into actual experience of the commissions.[2] The independence of the commissions was largely assumed, and his report was primarily a theoretical examination of the compatibility of independent agencies with the basic doctrines of executive integration and presidential responsibility espoused by the President's Committee.[3]

Cushman concluded, first, that the independent commissions did constitute an obstruction to effective over-all management by the President. The final Committee report agreed with and dramatized this charge by referring to the commissions as a "headless fourth branch of the government." Second, Cushman believed that their combination of prosecuting and judicial functions endangered the impartial handling of judicial work. A suggested solution which he put forward, much more tentatively than did the final Committee report, was departmentalization of the commissions, at the same time splitting each one into separate judicial and administrative sections, the former to be in the department only for administrative housekeeping purposes, but otherwise to retain their independence.

This analysis and prescription by the Committee, while it aroused tremendous interest, had comparatively little effect on the actual status or the subsequent development of the regulatory commissions. The Committee's recommendations in this area were among the principal items of attack in the battle over the so-called "dictatorship bill" in 1937 and 1938. When calmer judgments prevailed and the Reorganization Act of 1939 was adopted, Congress was careful to exempt from the reorganization power given the President all of the regu-

[2] Robert E. Cushman, "The Problem of the Independent Regulatory Commissions," in President's Committee on Administrative Management, *Report with Special Studies* (Washington, 1937), pp. 203–243. Professor Cushman subsequently expanded this report into a sizable volume, *The Independent Regulatory Commissions* (New York, 1941); but the approach was primarily that of legislative history, statutory arrangements, and judicial interpretations rather than an examination of administrative experience with the commissions.

[3] Take, as an illustration of the approach, the following sentence in the Cushman report, relating to the matter of commission interference with the President's responsibility for broad policy formulation: "The actual extent to which the President has been bothered in this regard is perhaps of less interest here than are the potentialities of interference." *Op. cit.*, p. 220.

latory commissions except the two most recently created, which apparently had not had time to develop powerful legislative friends. The sole instance in which the Committee's views were heeded involved the Civil Aëronautics Authority, which was set up by Congress in 1938 with its administrator and board separately established, and which by Reorganization Plan No. 4 in 1940 was moved into the Department of Commerce. In 1947, the Taft-Hartley Act bifurcated the National Labor Relations Board according to the pattern recommended by the President's Committee, but left it an independent agency.

III. REPORT OF THE HOOVER COMMISSION TASK FORCE

The Hoover Commission task force assigned to study the independent regulatory commissions construed its field to cover the same agencies dealt with by the Cushman report, plus the Civil Aëronautics Board and the Federal Reserve Board.[4] In contrast with the high-level approach of the President's Committee, the Hoover group sought a worm's-eye view of the commissions through an extensive program of research into their workings. A staff of survey officers, one for each of the nine commissions, was assembled.[5] Their general assignment was to determine the effectiveness of the commissions as agencies for carrying on federal regulatory activities. They had periods of from three to five months for the surveys and for writing up their reports according to a standard outline. In contrast with the President's Committee, which was primarily interested in the external relations of the commissions, the Hoover task force made equally intensive studies of external relations and internal policy formulation and administration.

One special technique used to guarantee penetration into the actual workings of the commissions was the requirement that each survey officer investigate and write up from three to five specific cases or proceedings handled by the commission which would indicate how policies were typically formulated in the agency. The survey staff was directed not to give primary attention to the procedural aspects of the commissions' work or to due process or administrative law considerations, in view of the earlier report of the Attorney-General's Committee on this subject and the recent adoption of the Administrative Procedure Act, which had been in effect too short a time to justify reopening these matters. Naturally it was understood that the task force would not concern itself with the wisdom of federal regulatory policies.

[4] The task force on Regulatory Agencies was the sixteenth set up by the Commission, its membership consisting of Owen D. Young, ex-Senator Robert M. La Follette, and Robert R. Bowie, of the Harvard Law School. Mr. Bowie was project director, and the executive officer was Harold Leventhal. Mr. La Follette subsequently resigned from the task force, and did not participate in the final report.

[5] The survey officers and the commissions they studied were: George L. Bach, Federal Reserve Board; James M. Burns, Maritime Commission; Carl F. Farbach, Securities and Exchange Commission; Walter Galenson, National Labor Relations Board; William W. Golub, Federal Communications Commission; C. Herman Pritchett, Federal Power Commission; Edward C. Sweeney, Civil Aëronautics Board; Irene Till, Federal Trade Commission; and Ernest W. Williams, Interstate Commerce Commission.

On the basis of the nine resulting monographs, which supplied a more intimate and realistic description of commission operations than had ever before been available, the Hoover task force submitted a report and recommendations differing markedly from those of the President's Committee.[6] The report examined first the characteristics which have been commonly regarded as the attributes of strength in the independent commission device, which were identified as follows:

1. *Resistance to pressures.* The extensive powers given to regulatory agencies and the administrative flexibility required for their effective use obviously open the door to favoritism, unfairness, political influence, and even corruption. The independent commission, with its multiple membership, shared responsibility, and security of tenure, is in a favorable position to resist partisan control and to expose pressures and improper actions.

2. *Collective policy formation.* The commission, by requiring collective policy-making and decision, provides a barrier to arbitrary or capricious action and secures decisions based on different points of view and experience. This process has definite advantages where the problems are complex, the relative weight of various factors affecting policy not clear, and the range of choice wide.

3. *Expertness.* Regulated industries are complex and highly technical. Their problems need constant study and continuous attention. While expertness must be supplied in large part by the staff, the commission form is designed to assure expertness or at least familiarity with the problems of the regulated field on the part of the commissioners, who have fixed terms and a good chance of reappointment. Devoting full time to the particular industry, the commissioners become fully familiar with the technical aspects of the industry and its basic problems through day-to-day contacts.

4. *Continuity of policy.* In order to enable private industry to plan ahead, the regulatory agency must seek to achieve as much stability in policy and methods as is consistent with continuous adaptation of regulation to meet changing conditions. For the reasons already given, the commission form is considered to assure this continuity of policy.

The research of the task force staff generally supported the conclusion that these alleged advantages had actually been realized in the experience of the commissions, and could be given substantial weight in determining the value of the commission approach. But it was also necessary to appraise the validity of the case against the commission made so effectively by the President's Committee and others, particularly as to infringement upon presidential responsibility.

The task force members were sensitive to the need for safeguarding the President's control over major policy in the interests of responsible government, but they did not feel that the commissions should be condemned as a "headless fourth branch" on purely theoretical grounds. The survey officers consequently undertook intensive examination of presidential relations with the

[6] Commission on Organization, Appendix N, *Regulatory Commissions* (Washington, 1949). The surveys of the individual commissions were not published.

commissions, and concluded that in actual practice there were considerable opportunities for executive influence on major commission policy through appointment of commissioners, naming of chairmen of certain commissions, Budget Bureau review, and other methods. Their conclusion was that the impairment of presidential control resulting from the commissions' independent status was not substantial enough to require the drastic step of moving the commissions into the departments.

They did favor, however, a strengthening of the President's hand by giving him authority to name from among its members the chairman of each commission, who would serve as chairman at the pleasure of the President. It was believed that this arrangement, which is already provided by statute in the case of several commissions, would help to establish channels of communication between the President and the commissions, and require his periodic consideration of their affairs. There was no desire on the part of the task force, however, to have the President exercise anything more than a general surveillance over the progress of regulatory administration. To emphasize their belief in limited executive control, they recommended that the three commissions whose members are not now protected against removal except for cause, should have such statutory protection extended to them.[7]

A second charge considered was that the independence of the commissions leads to failures of coördination with other commissions and branches of the executive. The task force agreed that there was some substance in this view, but concluded that "on the whole, coördination is needed in more limited areas than might be supposed *a priori*, and has been achieved in most of the major fields through interdepartmental committees or more informal techniques."[8] Admittedly, some difficult problems of overlapping were involved in such relations as those between the Federal Reserve Board and the Treasury, the Maritime Commission and agencies concerned with foreign commerce and defense, and the Federal Trade Commission and the Department of Justice. Specific recommendations were made for measures of coördination in these cases which would not materially infringe the present degree of commission independence.

On this matter, the Regulatory Commissions task force was in opposition to the Brookings Institution, which studied transportation for the Hoover Commission and concluded that a single transportation regulatory agency should be set up into which the I.C.C., the C.A.B., and the Maritime Commission would be merged. The task force rejected this recommendation on the ground that the problems and regulatory approaches in both the air and maritime fields were sufficiently dissimilar to justify separate agencies for each, and that the conflicts in the jurisdiction of the present agencies were not at all serious. Significantly enough, the task force also expressed the fear that in the proposed uni-

[7] These three commissions are the Securities and Exchange Commission, the Federal Communications Commission, and the Federal Power Commission, all set up between the date of Myers v. United States, 272 U. S. 52 (1926), which seemed to hold such limitations on the removal power unconstitutional, and Humphrey's Executor v. United States, 295 U.S. 602 (1935), which upheld their constitutionality.

[8] *Op. cit.*, pp. 27–28.

fied agency the influence of the I.C.C., with its tradition of "isolation from contact with the executive branch," would be predominant, and that new problems of executive coördination would thus be created.

The charge that the commissions are not proper agencies for the administration of purely executive and operating functions was admitted by the task force, which recommended the transfer of all such functions to the regular departments. The Maritime Commission has a particularly large assignment of operating duties, many of which affect other executive agencies and relate closely to the President's responsibilities for the conduct of foreign relations and the control of military programs. These functions were to be transferred to a Maritime Administrator in the Department of Commerce, leaving the Commission with its subsidy and general regulatory powers. In the case of the I.C.C., transfer of its Bureaus of Locomotive Inspection, Safety, and Service, and the safety functions under the Bureau of Motor Carriers was suggested. In general, the task force position was that operating functions should remain in a regulatory commission only if the relation was so intimate as to make separation impracticable or to cause serious conflicts of jurisdiction.

On the basis of this criterion, the task force approved the separation between executive and regulatory responsibilities achieved in 1940 when the Civil Aëronautics Administration and the Civil Aëronautics Board were set up, though it did suggest some re-allocation of their respective functions. But the separation between the Board and the General Counsel of the N.L.R.B. was not viewed so favorably. This bifurcation had been motivated not so much by a desire to separate executive from regulatory tasks as by a belief that prosecuting and adjudicating functions had been improperly merged in the old N.L.R.B. The new schizophrenic arrangement was criticized by the task force as diffusing responsibility, exposing the General Counsel to heavy pressures without the protection of either a multi-headed agency or an executive department, tending to blur the separation between legislative and administrative rôles by the close contacts which the General Counsel had developed with the congressional Joint Committee on Labor-Management Relations, and giving the General Counsel the anomalous position of being partly a prosecuting officer and partly a policy-forming officer.

Finally, the task force considered and confirmed the charge that the commissions, because of their plural headship, have often been administratively incompetent. Program-planning has been sketchy or non-existent. Administrative control tends to be diffused and confused, with the staff receiving inadequate supervision. The principal device relied on by the task force to improve commission administration was the strengthening of the commission chairmen—by presidential designation, as already noted, and by delegating to them primary administrative responsibility for commission affairs.

The chairman's administrative duties, it was proposed, should be discharged in large part through an executive officer, who would directly control the staff units engaged in administrative functions. The task force was extremely careful, however, to warn that this rôle should not be allowed to develop into that of a

general manager reporting to the entire commission. The general manager device might be desirable in a commission-headed agency having heavy operating and executive responsibilities, the task force believed, but it did not fit the peculiar conditions of a regulatory commission, where it might tend to insulate the commission from its staff and inhibit the operation of the principle of shared responsibility on which the commissions rest.

IV. THE POSITION OF THE HOOVER COMMISSION

The Hoover Commission accepted and endorsed in most respects the report of its task force on regulatory commissions.[9] The twelve members agreed in recommending "that all administrative responsibility be vested in the chairman of the commission;" that salaries of commissioners and staff members be increased; that there should be increased delegation of routine functions to staff members; that operating procedures should be improved; and that certain specific functions should be transferred to departmental jurisdictions from the F.P.C., the Maritime Commission, the I.C.C., and the C.A.B.

Controversy centered on two points. Ten members of the Commission upheld the task force conclusion that a single transportation regulatory agency was not desirable. They concluded that the "three commissions involved are already overburdened with work, the statutory approach to these three fields of transportation has been different, and entirely different techniques are needed for the solution of the problems in the various fields." Any present lack of coördination among the three commissions would be largely remedied by the concentration of executive transportation functions in the Department of Commerce as proposed by the Commission's report on that Department.

Two commissioners, Clarence J. Brown and James K. Pollock, recorded their support of the Brookings Institution view that a single regulatory agency was necessary "in order to achieve the declared regulatory objectives of impartial treatment of all forms of transportation, non-discriminatory rates, workable competition, and the integration of the several forms of transportation into an efficient, economical, and progressive national system." They emphasized that they did not intend the new agency to be merely a "revamped" I.C.C., since they agreed it was far from an "ideal pattern."

The second area of controversy concerned the proposal that statutory prohibition of removal except for cause be extended to the three commissions not now covered by such provisions. Commissioners Acheson, Rowe, and Forrestal felt that this limitation of executive power served no positive purpose, since no abuse of the removal power had been shown. "The quest for uniformity for uniformity's sake should not be permitted to disturb relationships which have proved successful in practice."

Finally, it should be noted that the Hoover Commission did not adopt the task force recommendation on presidential designation of commission chairmen. It was silent on this subject, thus proposing no change in the present

[9] Commission on Organization, *The Independent Regulatory Commissions* (Washington, 1949).

heterogeneous methods by which chairmen are selected. Since the task force had placed considerable stress on this device as a method of implementing general executive responsibility for regulatory administration, its rejection by the Hoover Commission would appear to indicate a definite preference for the status quo in commission independence.

V. ACTION ON RECOMMENDATIONS

Of the twelve specific recommendations made by the Hoover Commission concerning the regulatory commissions, six required legislation, five were appropriate subjects for presidential action under general reorganization authority, and one could be implemented merely by administrative action. On January 13, 1949, the Hoover Commission recommended to Congress that the President be granted broad reorganization powers. One of the matters considered by Congress in drafting such a measure was its applicability to the regulatory commissions. On January 25, the President was informed by Democratic congressional leaders that four commissions—the I.C.C., F.T.C., S.E.C., and Reserve Board—would have to be exempted from reorganization power if the bill was to pass.[10] However, the House, in the bill it adopted on February 7, contented itself with the so-called "separate package" plan and applied it to only three regulatory commissions.[11] The Senate bill, on the other hand, did not prescribe exemption or special treatment for any agencies, and the final act, adopted June 20, followed the Senate version on this point.

On the same day that he signed the Reorganization Act, President Truman sent to Congress under its authority seven reorganization plans. Plan No. 6 made the chairman of the Maritime Commission its chief executive and administrative officer, as recommended by the Hoover Commission.[12] On April 28, the President had appointed Maj. Gen. Philip B. Fleming, then Federal Works Administrator, to the chairmanship of the Maritime Commission, with the understanding that he was to straighten out the tangled affairs of that agency; and Plan No. 6 gave him the necessary authority to control personnel, administrative funds, and assignment of duties in the agency. No other commissions have been affected by reorganization plans.

As for direct legislative action on the Hoover recommendations, identical bills drafted by the Hoover Commission were introduced in both houses in June which (1) required bipartisan appointments in the two agencies not now covered by such provision;[13] (2) provided for removal only for cause in the three agencies where there is now no statute to that effect; (3) allowed commissioners whose terms have expired to hold office until their successors have been appointed and have qualified, and (4) gave administrative powers to the chairman

[10] *New York Times*, Jan. 26, 1949, p. 2.

[11] Reorganization plans affecting any of seven specific agencies were required to be submitted separately, so as to facilitate their consideration and possible veto by Congress. The three commissions covered were the I.C.C., S.E.C., and Federal Reserve Board.

[12] Printed in *Cong. Rec.*, June 20, 1949, pp. 8129–30 (daily ed.).

[13] The two agencies are the N.L.R.B. and the Federal Reserve Board.

of each commission.[14] The language of the latter provision is as follows: "The functions of the Commission in respect of (1) its internal management, including budgeting and accounting, personnel (including appointments and assignments), supply, management research, information and publications, and other administrative matters; (2) its relations with Congress; and (3) the execution of its policies, shall be performed on behalf of the Commission by the Chairman, and the Chairman shall have exclusive and final authority, on behalf of the Commission, in respect of such functions. Such authority of the Chairman may be exercised, subject to the direction and control of the Chairman, by any officer or employee of the Commission designated by the Chairman for such purpose."

Since there is nothing radical or startling in the Hoover recommendations pertaining to the regulatory commissions, they have attracted little general attention. However, they may have had some influence on the Senate version of the revised Taft-Hartley Act, which as passed on June 30 provided for terminating the independent status of the N.L.R.B. General Counsel. The National Association of Manufacturers seized on the F.T.C. report as a basis for demanding a congressional investigation of that agency. Banking circles have been reported somewhat disturbed over recommendations in the Federal Reserve Board report.[15]

Officials of the regulatory commissions have expressed opposition to some of the recommendations. The C.A.B. and the F.P.C. have announced objection to the transfer and departmentalization proposed for certain of their functions, and other commissions similarly affected no doubt take the same view. The F.P.C. opposes the vesting of administrative responsibility in the chairman and his designation by the President, fearing that this would give the chairman undue control over the activities of the Commission.

VI. CONCLUSION

Following a visit to the White House on November 30, 1948, some two months before the report of the Regulatory Commissions task force had been sent to the Commission, Mr. Hoover announced that "no change would be proposed in the status of the regulatory agencies, such as the Securities and Exchange Commission, the Interstate Commerce Commission, and so forth, which are responsive to Congress and are not part of the executive establishment." Why his Commission on Organization of the Executive Branch of the Government should have set up a task force to investigate the regulatory commissions if they were not part of the executive branch, Mr. Hoover did not say.

The task force members clearly did not share the view that the regulatory agencies are "not part of the executive establishment." If they had thought so, they might have been led to join the President's Committee in denouncing the commissions as a "headless fourth branch of the government." But the re-

[14] S. 2059, S. 2073, H.R. 5173, 81st Cong. No action had been taken on the bills by Aug. 1.

[15] *New York Times*, Mar. 13, 1949, sec. 3.

searches of the task force members established the fact that the commissions do generally recognize their responsibilities to the executive and that methods of accomplishing integration of their programs are available or can readily be developed. Since there were these safeguards, they saw few dangers and many advantages in an organizational arrangement which does remove from the immediate context of executive influence and responsibility the making of decisions affecting substantial business interests and the elaboration of vague legislative regulatory policy.

The commissions themselves, however, seem reluctant to admit the existence of their executive ties, and prefer to pose as "arms of Congress." The F.P.C. has issued a long statement charging the Hoover Commission, and particularly its task force, with an erroneous conception of the regulatory commissions; they object to the tendency in the report to "regard the independent regulatory agencies as essentially a part of the Executive Establishment, and therefore, to bring their activities and functions more directly under the control of the Executive," whereas their true status is "as creatures of the legislative branch established to perform such specific regulatory functions as have been delegated by the legislature to them . . . free from outside direction or control."

The spurious nature of this "arm of Congress" claim has long been evident.[16] The fact is that Congress has not a single control over any of the regulatory commissions that it does not possess over executive agencies generally. Senator E. C. Johnson has recently complained about the lack of responsiveness of the commissions to Congress. He apparently sees no way for Congress to control the commissions unless the appointing power is taken away from the President; for this purpose he suggests having commissioners appointed by the speaker of the House subject to confirmation by the Senate, a proposal not the least of whose defects is its unconstitutionality.[17]

Clearly the term "independent" as applied to the commissions has been, and continues to be, responsible for much misunderstanding. At the very least, it needs to be, as Justice Holmes put it, "softened by a quasi." The misunderstanding shows up on one of the charts prepared by the Hoover Commission for its "Concluding Report," in which the Commission takes pride in noting how its recommendations would reduce the number of agencies reporting to the President from 52 to 30. These include eight agencies in the President's Office, ten cabinet departments, and twelve "non-cabinet agencies." But in addition to these 30, the chart shows the nine independent regulatory commissions suspended in midair like Mahomet's coffin, with no visible ties to the executive. Obviously some conceptual formalism has obscured reality when non-cabinet agencies such as the Tax Court of the United States and the Railroad Retirement Board are alleged to be "reporting" to the President, while the Maritime Commission, the Federal Reserve Board, *et al.*, are presented as having no such responsibility.

The report of the Regulatory Commissions task force will be attacked from

[16] See Cushman, *The Independent Regulatory Commissions*, pp. 450–451.

[17] See his letter on S. 2073, *Cong. Rec.*, July 26, 1949, pp. 10379–80 (daily ed.).

both sides. Those bemused by the "arm of Congress" notion will object to the recognition of the commissions as part of the executive. Those committed to the dogma of executive integration will lament the failure to insist on departmentalization of the commissions. The task force, perhaps mistakenly, thought it could eat its cake and have it too. It wanted to have non-political regulation and at the same time provide for presidential control. It proposed to give the President power to designate the commission chairmen but not to remove their members. It operated on the assumption that a delicate balance could be maintained in these agencies between independence and responsibility. Its position is less doctrinaire and less logical than the views of those who attack it from both flanks, but it may be more realistic and better adapted to survival in a world that too often spurns doctrine and logic.

VII. IMPROVING FEDERAL MANAGEMENT SERVICES

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Organization and reorganization of the federal government are often thought of in terms of such questions as these: Should the Bureau of Narcotics be transferred from Treasury to Justice? Should all land agencies be grouped in the Department of Agriculture? Should the commercial aspects of the fisheries work of the Fish and Wildlife Service be transferred from Interior back to Commerce? Problems posed by such questions may be important, but they are insignificant when compared with such questions as these: How can we attract competent, enthusiastic personnel into the federal government? Can a stronger feeling of responsibility be instilled into administrators and supervisors? Can methods be developed to inform Congress and the public of contemplated and completed actions by the executive branch, so that the advantages of a republican form of government can be realized and maximized?

The Commission on Organization of the Executive Branch, popularly known as the "Hoover Commission," issued earlier this year a total of nineteen reports, in addition to the so-called task force reports. These nineteen documents, embodying 277 substantiated recommendations, constitute what has been called the "most exhaustive managerial blueprint in our history." Four of the reports are of special importance and lay the groundwork for greatly improved administration. They are: (1) *General Management of the Executive Branch;* (2) *Personnel Management;* (3) *Budgeting and Accounting;* and (4) *Office of General Services—Supply Activities.*[1] Had the Commission gone only this far, it would have contributed much of great value. Surely the strong recommendation

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[1] The Commission could have done a better job of titling some of its reports. The report called *Budgeting and Accounting*, for example, actually has appended to it a separate report entitled *Statistical Activities.*

contained in the preface to the first of these reports contributed much to the recent adoption of the Reorganization Act of 1949.[2] Under this law, many of the Commission's recommendations can be put into effect by the President, subject only to the disapproval of a majority of the authorized membership of either house of Congress.

This article will be concerned with the following six aspects of federal administration: (1) personnel; (2) budgeting; (3) accounting; (4) supply; (5) statistics; and (6) public reporting.

I. PERSONNEL

Personnel is the very heart of administration. If the federal government is to be effectively organized and administered, close attention must be given to the recruitment and retention of the best personnel available. The federal government should recognize that it simply must compete with private enterprise for brains and skills in the crafts, in the professions, in the clerical fields, and in administrative leadership.

Federal employment today has six real handicaps: (1) Federal employment has insufficient prestige. (2) Examining and appointment procedures are inaccurate and slow. (3) Changes—budgetary, organizational, and procedural—are frequent enough to cause widespread feeling of insecurity. (4) Congressional criticism sometimes goes beyond what seems justifiable and becomes abusive and destructive. (5) Top salaries are too low. (6) A career is difficult except in a few agencies and a few fields.

The two great advantages of federal employment at the middle and upper levels are underplayed by federal recruiting authorities and were given insufficient emphasis in the Hoover summary; these two are, first, interesting work and, second, opportunity for public service. With the huge increase that has taken place over the past decade and a half in the importance of the federal government, all sorts of exciting jobs are available. In accepting President Washington's invitation to become Secretary of State, Thomas Jefferson wrote that he had "no motive to public service but the public satisfaction"; many a man today would say the same if given half a chance. The American public lays too much stress on the financial prizes of commercial employment and the so-called security of public employment.

The six most needed improvements readily realizable in federal personnel administration today, in the judgment of the author, are to:

1. Raise substantially the pay of top executives and lift the $10,330 salary ceiling for classified employees to, say, $16,000 without raising other salary levels so much as to make for bunching at the top.

On this point some recent progress may be reported. (a) The House of Representatives passed a bill (H.R. 1689) on July 8 that would raise cabinet members from $15,000 to $25,000 and would increase the salaries of some 240 other top-level positions; the Senate Committee on Post Office and Civil Service reported

[2] Public Law 109, 81st Cong., approved June 20, 1949.

favorably on it on August 9. (b) Several bills have been introduced to simplify the classification scheme and to increase to $15,000 the ceilings on the higher positions. (c) By early October, both houses had passed, in slightly different form, H.R. 1689 and H.R. 5931 and sent them to conference.

2. Facilitate the training and the transfer opportunity of the superior employees, and set up an administrative pool of top-quality men at salaries of, say, $12,000–$16,000, these top-quality men to be used wherever there is need for high-powered administration and to be fully paid even between assignments.

Although the Hoover Commission did not include a recommendation that an administrative pool of top-quality men be established, it did suggest that the President direct the departments and agencies to work out practical programs designed to facilitate the promotion of career employees; also that the Civil Service Commission be required to identify the jobs which could be appropriately considered as administrative. The task force on personnel management recognized the "immobility of top career officials," and stated that "a study of 1,400 individuals in top positions in the executive departments today revealed that only 162 (12 per cent) were transferred to such positions from other departments or agencies."

3. Decentralize the recruitment and examining processes from the Civil Service Commission to the individual departments (except for jobs common to all or several of the agencies), but require the Commission to set up appropriate standards and to post-audit departmental personnel actions.

This is one of the principal recommendations of the Hoover Commission. Much stir has been created. Late in July, many months after the publication of the personnel report, the Civil Service Commission sent a letter to the Senate Committee on Expenditures in the Executive Departments in which it vigorously opposed this recommendation, although it had been developed with overwhelming support by the Personnel Policy Committee (i.e., the task force) and adopted unanimously by the Hoover Commission itself. The Civil Service Commission fears "personal political favoritism and discrimination." At issue, of course, is whether such a fear—once of paramount importance and still not without justification—is to prevent the needed managerial flexibility in a vast enterprise that has grown in twenty years from 570,000 civilian employees to a 1948 average of 2,043,000, and in which "personnel skills now number over 15,000, or two-thirds as many as the requirements of all private enterprises."

4. Adopt the principle that competent personnel must be encouraged, not simply permitted, to apply. This means:
   (a) abandoning the system of "announcing" examinations, and substituting open and continuous acceptance of applications, each applicant to be rated in as many occupational fields as his qualifications warrant—the system employed by the Tennessee Valley Authority;
   (b) abandoning the numerical rating practice in examination and the "rule-of-three" in certification, and substituting the TVA system of ad-

jective categories and the certification of any sensible number of the best qualified persons;
(c) greatly enlarging the present feeble program of positive and direct recruitment.

Though not arranged in the above fashion, these ideas were brought out in the Hoover report. For readers of this REVIEW, they require no elaboration. The Civil Service Commission has acknowledged that the rigid rule-of-three is too restrictive. In its letter of late July, it recommended that the rule be retained for routine jobs, but that a rule-of-five be made to apply to the more complex positions in the middle levels and that a "wide degree of discretion" be allowed the operating agencies in filling top-level positions. This would represent a small amount of progress, but the TVA system seems much more sensible.

5. Overhaul the system of veteran preference entirely to assure that qualified veterans are properly advised and placed; this would bring satisfaction both to the veterans and to that large and miscellaneous group of citizens now known as non-veterans.

The Hoover Commission's report on personnel says: "Preference for veterans in the filling of federal jobs is an integral part of our civil-service system. Too much reliance, however, has been placed upon a rigid system to increase the number of veterans in federal positions. As a result, there are not as many veterans serving in federal jobs as might otherwise be the case, and in many instances veterans are not serving in the types of jobs for which they are best qualified." A detailed plan was worked out by the task force and discussed with representatives of *the* veterans' organizations[3] and the Civil Service Commission. For a time, at least, there was considerable reason to believe that the plan would be acceptable all around. The Hoover Commission made its personnel recommendation number nine as follows (with no explanatory comment whatever): "A nation-wide recruiting system to place veterans in federal positions should be operated through selected Government agencies for the next 3 or 4 years in principal communities." One must turn to the task force report to learn that this would presumably be done by means of the creation of, say, 150 "veteran preference offices" throughout the United States attached to the fourteen regional offices of the Civil Service Commission. Professional counselors at these offices would test and advise the veterans at any and all times as to their skills and aptitudes and would provide active, concrete assistance in placing them in federal positions for which they qualify. The veteran, after being tested, would be issued a permanent certificate of eligibility which he could use in applying direct to federal agencies. This policy, together with certain other suggested practices, would result in more preference for veterans than at present and yet would not be objectionable either to non-veterans or to appointing officers.[4]

[3] American Legion, Veterans of Foreign Wars, and Disabled American Veterans. There are many organizations of veterans, but these three are the ones always listened to by members of Congress.

[4] "Disabled" veterans would be defined as those with a compensable disability, and

6. Transform the Civil Service Commission into a small agency of standards and post-audits, and inject much more administrative direction while retaining the bipartisan form of the Commission.

The Hoover Commission recognized the fact that much of the work of the central personnel agency is administrative in nature, and hence requires a single boss. It also recognized the desirability of having more than one person formulate civil service rules, issue regulations and standards, and act as an appellate body in connection with the appeal functions vested in the central personnel agency. It, therefore, recommended that the administrative direction of the work of the Civil Service Commission be vested in the chairman of the Commission.[5] This plan has already achieved wide acceptance, and the President's Reorganization Plan No. 5 submitted to Congress on June 20, effective August 20, embodies the Hoover recommendation.

"Big government" is obviously here to stay. Old personnel methods will sooner or later have to be revised. The Civil Service Commission needs to be transformed, strengthened, and reorganized; its functions need to be elevated to those of high-level policy only. It needs to get away from detail. It needs to be set up so that it will not interfere with management.[6] In the words of one senator, speaking in the Senate chamber this past summer in connection with the Civil Service Commission's appropriation: "The Civil Service Commission in its red tape policies is defeating the purpose of a merit system in Federal service."[7]

II. BUDGETING

The federal budgeting process would, in the author's opinion, be improved by the following five devices:

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hence would exclude veterans with non-impairing disabilities, as, for example, a scar resulting from a wound to the lobe of the ear or from an appendectomy. To allow disability preference to a veteran with this kind of "disability" is unfair both to the ordinary veteran and to the veteran who is really disabled. The task force clearly showed that the present system is hurting the cause of all veterans, not helping it.

[5] Commissioner James K. Pollock dissented from this recommendation and offered a well-expressed "case for a single personnel administrator." Professor Pollock comes close to being convincing.

[6] Actions on appeals involving reductions in force furnish an example. During the five fiscal years ending June 30, 1949, the number of appeals to the Civil Service Commission's headquarters office totaled 4,404, with these results:

A. Sustained (employees won), 306, or 7 per cent.

B. Closed without action because management kept the employees (employees won), 1,885, or 43 per cent.

C. Withdrawn by employee (management won), 699, or 16 per cent.

D. Denied (management won), 1,514, or 34 per cent.

About half of the 1,885 cases that were closed without Commission action were closed after the Commission had negotiated with the agencies. Thus it can be said that roughly three out of every ten "R.I.F." appeals to the Commission resulted in defeats for management. This undesirable situation will be somewhat bettered by virtue of the Commission's new regulations on reductions in force (effective September 1, 1949).

[7] *Cong. Record*, Aug. 2, 1949, p. 10813.

1. Shorten the span of budget preparation and review from one year to six or seven months.

In most states, cities, and counties—certainly in private enterprise—there is a "budget season." In the federal departments, the "season" lasts the whole year round, like warm weather in the tropics. The departments have to submit their expenditure estimates to the Bureau of the Budget as early as August or September, which means that the constituent bureaus must prepare their estimates still earlier, and the constituent divisions even as early as June. Thus, a division in, say, June, 1949, tries to estimate its expenditure needs for the year beginning with July, 1950 (13 months away[8]), and ending with June, 1951 (more than 24 months away). There are all sorts of "ceilings," preliminary reviews, and rewrites; there are oral hearings before the Budget Bureau in the early summer and again in the autumn, and before each house of Congress in the following winter or spring; different presentations are made at every stage. Result: Budget clerks and budget specialists are engaged in preparing or repreparing their budgets on a full-time basis, and in the subconsciousness of the operating officials, budgetary paper work is always present. Does Congress need to receive the budget document as early as January? Does the Budget Bureau need all the time now taken to receive and review departmental estimates, or could the Bureau even off its own work a little? Are all the present reviews within departments wholly necessary? Is all the present detail needed at each stage? It would seem that the constituent portions of a department ought to begin consideration of their next year's fiscal requirements not earlier than November, that the Budget Bureau could perform its work during the winter, and that the President could present the budget to Congress in April. If Congress gave the appropriation bills top priority, they could be passed before the middle of June, which would allow the federal departments to make plans and personnel commitments effective July 1, the beginning of the fiscal year. Inordinate time and inordinate amounts of money are devoted to budget work in the federal government. The members of the Hoover Commission should have given more attention to this problem; they all but overlooked it.[9]

2. Reduce the detailed emphasis on objects of proposed expenditure (personnel, supplies, travel, etc.), and stress the activities to be carried on.

This point was stressed by the Hoover Commission. Traditionally, federal budgeting has been based on objects of expenditure—so much for salaries, so much for equipment, so much for printing and binding, and so on. But no particular meaning can be gleaned out of an item reading only "Salaries and

[8] Occasionally Congress does not get around to appropriating money for a given department until well into the fiscal year. This happened only this past summer, when the appropriation bills for most of the federal departments were not enacted until September. In this case, the appropriation for one year is not yet determined when the estimates are being prepared for the succeeding year!

[9] S. 2054 and H.R. 5178, introduced June 13 and 15, 1949, would allow the President to transmit his budget sometime "during the first three months of each regular session of Congress"; this would give the President until the first week in April.

Expenses"; the tremendous sum of $848,897,000 appeared opposite such an item in the Veterans Administration budget. Some items, on the other hand, are for as little as a few hundred dollars. The Bureau of Ships is financed by 27 appropriations, many of which, as shown in the budget document, have no apparent connection with the Bureau. It is little wonder, with all the unnecessary intricacies existing today, that budget specialists are many throughout the federal service; it is little wonder that operating officials find it necessary to spend an unconscionable amount of time on problems of budget management; it is little wonder that the cost of government is higher than it ought to be. The Hoover Commission recommended something that sounds radical and new to the federal government—the "performance budget." Several of the more progressive cities and some of the states, like California, have developed something of this kind, and the Government Corporation Control Act of 1945 requires this type of budgeting for each wholly-owned government corporation, of which there are about 40. The Commission worked out two examples of performance budgets, one for the Navy Medical Service and one for the Forest Service. The system involves simply a presentation of the work to be done or the service to be rendered. In calling for the 1951 estimates, the Budget Bureau made some budgetary improvements; the big book presented to Congress next January will reflect them. Not all of the current inadequacies can be laid at the door of the departments or the Budget Bureau. Since many specific budgetary items now are required by law, Congressional action is needed, and S. 2054, if enacted, would provide that "the contents, order, classification, and arrangement" of budgets and expenditures "shall conform only to such requirements as the President may prescribe."

3. Give increased attention to the revenue side of the budget.

The Hoover Commission itself gave no attention to the revenue aspects of budgeting. Its task force on fiscal, budgeting, and accounting activities, however, pointed out that "the budget should not be a one-sided plan," and even recommended that the preparation of revenue estimates be given directly to the Budget Bureau. There is room for improvement in the field of federal revenue estimating, and surely the space that now is devoted in the budget document to the revenue side is not in proper proportion—25 pages out of the 1,705 in the 1949–50 budget (including the budget message).

4. Segregate proposed expenditures into (a) capital outlays, (b) current operating expenditures, and (c) federal aid to state and local governments.

These three types of expenditure are distinct, but they are not consistently thought of or consistently presented separately from other expenditures. The best that can be said of federal aid is that at the back of the budget document the Budget Bureau presents a helpful recapitulation. Capital outlays, on the other hand, cannot even be dug out. States, cities, and counties are far ahead of the federal government in this respect, and the U. S. Census Bureau has been making data on state and local government capital outlays available for

almost half a century. When capital costs are intermingled with operating costs, as they are in federal finance, there is no way of telling in any one year just how much it costs to run a given activity.

5. Strengthen the Bureau of the Budget as an office for improving management.

There has long been an argument both in federal and in state administration over whether the budget office should be also an office for executive management. The Hoover Commission rejected the recommendation of the task force and urged that the Budget Bureau of the federal government continue in its present rôle and that "further emphasis" be placed on the "management research functions."

III. ACCOUNTING

Accounting is by nature an executive, not a legislative, responsibility. Yet the General Accounting Office is not a part of the executive branch. Almost every student of this problem over a period of years has come up with the conclusion that the General Accounting Office should be wholly divested of its accounting work and its power to disallow items, and be restricted to auditing. The author heartily concurs. Specifically, a rechristening to "General Auditing Office" is in order, with the head of the office designated "Auditor-General." All accounting work should be transferred to an Accountant-General, presumably in the Treasury Department, and he should have power and responsibility (nowhere existent today!) to prescribe a complete plan of accounting for the federal government.

The above is not—unfortunately—the recommendation of the Hoover Commission. Essentially, it is the recommendation of one of the twelve commissioners, James H. Rowe, Jr.[10] The weight of authority in support of Rowe's views is so great that the following quotation from his dissenting statement seems worth including here:

"This is not the place to discuss in great detail the shortcomings in operation of the present system. There is already a vast body of informed discussion on this subject. The recommendations which I make have been made and thoroughly documented a number of times.

"Essentially, they are those of our task force on fiscal matters, whose report is available to the Congress. That committee has as members the same individuals who constitute the Committee on Federal Accounting of the American Institute of Accountants.

"These same recommendations were also made twelve years ago by the President's Committee on Administrative Management in its 1937 report on 'Fiscal Management in the National Government.' That committee was composed of eminent political scientists."

"The United States Chamber of Commerce in a special report in 1934 made the same recommendations."

"Sixteen years ago, the Chairman of this Commission made the same recommendations in his message to the Congress of December 9, 1932."

[10] Professor Pollock agreed with Rowe's views.

"Twenty-six years ago, in 1923, President Harding recommended that the General Accounting Office be transferred to the Treasury."

"I believe that any group which thoroughly examines this question will reach these same conclusions until such time as the original faulty conception of the Budget and Accounting Act of 1921—the combination of auditing and accounting in a legislative agency—is changed."

All that Rowe is asking, of course, is that accounting be done in the executive branch and auditing be done in the legislative branch, which is wholly sensible. Accounting is an important management tool, like personnel and budgeting.

The majority of the members of the Hoover Commission considered this central question, but came up with what it apparently thought was a compromise—that an Accountant-General be established in the Treasury, but that the accounting methods and procedures be "subject to the approval of the Comptroller-General within the powers now conferred upon him by the Congress."[11] Apparently because of oral discussion that had occurred the report adds: "We believe there is no inherent conflict between the present position of the Comptroller-General and our recommendation to create the position of Accountant-General." In the margin the present author has written, "Others believe contrariwise."

The majority of the Commission recognized the undesirability of the present practice of sending to Washington millions ("freight carloads") of expenditure vouchers and supporting papers from all over the United States for individual checking by the Comptroller-General and recommended that the practice be stopped. The Commission called attention to the fact that about 10,000 people are required to operate the Comptroller-General's office on its present scale; this total employment could be cut in half if central examination of individual expenditure vouchers and documents were abandoned.[12] Currently, a tremendous multi-million dollar federal office building in Washington is under construction for the future use of the Comptroller-General's horde of employees; it covers the entire block immediately north of the present General Accounting Office (main building, that is). Here we have a visible example of unnecessary spending by the federal government; it will stand as a monument to federal inefficiency.

IV. SUPPLY

To most people, supply is primarily purchasing. But goods, after being bought, must be stored, issued, utilized, and transported. These latter phases are under-regulated in the federal government. Purchasing, however, is ridiculously over-regulated. For example, half of the three million purchase orders issued by civilian agencies in a typical year are for $10 or less—and yet the paper work for a single purchase order costs more than $10. Just as in the field of personnel and accounting, the emphasis is negative rather than positive

[11] This provision is incorporated in S. 2054 and H.R. 5178 (Sec. 21).

[12] The task force on supply listed six obstacles to an effective supply system. The first obstacle: "Stagnating influence of General Accounting Office."

—being placed on the prevention of fraud or unfairness rather than on effective and economical management.

Real progress can be reported in this field. On June 30, 1949, the President signed into law Public Law 152, the Federal Property and Administrative Services Act of 1949, the expressed purpose of which is "to simplify the procurement, utilization, and disposal of Government property, to reorganize certain agencies of the Government, and for other purposes." It translates into action the most important recommendations of the Hoover Commission in the field of supply. For example, the act: (a) creates the General Services Administration, and transfers to it the Bureau of Federal Supply (from the Treasury Department), the Federal Works Agency, the National Archives Establishment, and the War Assets Administration; (b) directs the General Services Administration to prescribe policies and methods of procurement, warehousing, and related activities; (c) establishes a new General Supply Fund with capital up to $75 million, which fund is to be used for procuring personal property and non-personal services for executive agencies; provision is made for advance payment by the requisitioning agencies, and where advance payment is not made, the requisitioning agency must promptly reimburse the General Services Administration: (d) permits the General Services Administration to delegate to other agencies authority to make purchases and contracts for supplies or services; (e) relaxes the stringent requirement of advertising for bids and provides that the General Services Administration may purchase by negotiation instead if the aggregate amount does not exceed $1,000 and by other agencies up to $500 (formerly the limit was $100); purchase by negotiation is also allowed under certain other conditions specified in Section 302(c) of the law; (f) authorizes the General Services Administration to set about improving the records-management practices and controls in the federal agencies—no small problem in view of the 18½ million cubic feet of federal records (enough, it is estimated, to fill six Pentagon Buildings); and (g) repeals 31 now obsolete laws or provisions of laws.

The foregoing improvements grew directly out of the reports of the Hoover Commission. In the field of federal supply, the first step toward better management has been taken.

V. STATISTICS

Direct users of primary, federally-compiled statistics are relatively few. For example, almost everyone knows something about the number employed or unemployed, or the rising cost of city government; but how many of our 149 million people have ever seen an official Census Bureau publication on the labor force, municipal expenditures, or any other subject? Federal statistics are widely used, however, by specialists and are widely republished; their value and their importance are far-reaching. Yet the total being devoted this year to salaries of federal employees engaged in statistical work (outside of the military departments) is considerably less than fifty million dollars, and the number of employees just about equals the number employed by the General Accounting Office.

Possible improvements in federal statistical activities are as follows:

1. Extend the work of the Budget Bureau's Division of Statistical Standards to effect greater coördination of programs (but without getting further into details of statistical classifications or departmental operations).
2. Concentrate in the Census Bureau the compilation of general-purpose data, narrowing the compilation work of other agencies to the field of genuine special-purpose data.
3. Recognize the value of and need for analysis and interpretation of statistics as an integral part of the compilations, just as in the field of budgeting we now recognize the budget message as an integral part of the budget document. Statistics compiled at the taxpayers' expense should be made as usable as possible; graphic and textual interpretation is, in the author's judgment, both legitimate and desirable.

The first two suggestions were among the Hoover Commission's recommendations. The third is the author's, as is also the parenthetical portion of the first item; they reflect some experience the author has had both in coördinating and in being coördinated.

VI. PUBLIC REPORTING

One of the greatest weaknesses of government—federal, state, or local, domestic or foreign—is the poor quality of its reporting to the citizens. The government of the United States is a conspicuous example. The Hoover Commission devoted one page to the subject of "publications," which fails to get at the problem of public reporting—one of the basic services of good management.

Probably the greatest need in the field of federal reporting is a readable statement of what the government costs. The first half of such a statement should consist of charts and understandable text on federal finances. The second half should consist of clear statistical tables (not accounting statements), classifying expenditures according to organization unit, function of government, object, and character. Revenue and debt data should be reported in this same publication. Trend data should be included if a complete plan of accounting for the federal government were instituted; there would be no excuse for the conflicting sets of figures that we struggle with today.

A handy summary of the budget document, showing proposed expenditures and revenues in a condensed and simplified way, should be issued annually, and made widely available—possibly at a nominal price.

The annual reports of many of the departments could be improved, not only by simplification, but by making them something more than a physical collection of annual reports of sub-units within the department.

Congress is unduly afraid of so-called "information" activities. Some federal agencies and some federal information specialists may have gone too far, or may have exercised bad judgment, or may have injected partisanship into their work. However, these should be put down as errors, and should not discredit the legitimate release of useful information to the public. At present, a department sometimes diverts money in order to finance information activities. If

Congress would appropriate directly and then hold the President and the department head responsible for issuing only such press releases, pamphlets, and reports as are objective and appropriate, diversion would be as unnecessary as it is undesirable, and the public would be kept informed.

VII. A CONCLUDING NOTE

In discussing the subject of budgeting, the author listed as his fifth point, "Strengthen the Bureau of the Budget as an office for improving management."

On July 29, 1949, the President issued Executive Order 10,072, which established an Advisory Committee on Management Improvement (Thomas Morgan, president of the Sperry Corporation, heads the group); this committee of twelve—seven outside the federal service, five inside—is to assist department and agency heads to simplify and modernize their managerial methods and to keep the President informed of management improvement efforts. The director of the Budget is required to meet and consult with the Committee; so it appears that the Budget Bureau's rôle in improving federal management is assured. There is much for it to do.

There is much also for readers of this REVIEW to do—speaking, writing, advising. Although less conspicuous in the work of the Hoover Commission than in that of the President's Committee on Administrative Management back in 1937, several political scientists played important rôles in this recent $1.9 million survey, producing "the most exhaustive managerial blueprint in our history."

That pioneer student of American public administration, Woodrow Wilson, when but a young man, wrote: "Like a lusty child, government with us has expanded in nature and grown great in stature, but has also become awkward in movement."[13] The Hoover Commission has done something tangible toward remedying the managerial awkwardness that Wilson mentioned a half-century ago.

[13] "The Study of Administration" appeared in the *Political Science Quarterly* in 1887, was reprinted in that journal in 1941, and has recently been included in the book of essays entitled *Processes of Organization and Management* edited by Catheryn Seckler-Hudson.

INTERNATIONAL AFFAIRS

THE IDEA OF A "SAFETY BELT"*

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After the North Atlantic Treaty. The North Atlantic treaty, with its incorporation of the principle that attack on any one of the signatory powers will be considered an attack on all, has done more than any previous measure to strengthen the morale of Western Europe. No longer need any of the participating European countries, whether big or small, be afraid that it might be left alone in the hour of attack. Against that hour, if it should have to come, all will prepare in common.

On the other hand, it is obvious that this firm expression of the "will to defend" has gravely accentuated the dividing line between East and West. More definitely than ever, outside of the two World Wars, Europe has now realigned herself in two antagonistic camps, both heavily armed. This fact will receive further emphasis in the process of implementing the treaty. Each one of the many particular measures that will now be taken to organize and strengthen the common defense, and the concomitant increase in expenditures for armament—much more noticeable in democracies with their public discussion of all military and budgetary issues than in the silent realms of dictatorial censorship—will have the effect of a showing of teeth and rattling of sabers.

Great care should be taken to counteract this less fortunate, irritating effect of the Atlantic treaty by equally constructive measures designed to alleviate the East-West tension in spite of the treaty. Popular demand for such alleviation has expressed itself frequently in suggestions of a personal meeting between Truman and Stalin. This idea, however, is incomplete and hollow like an empty shell unless it be supplemented by definite ideas about the kind of agreement that could be successfully proposed in such a meeting. Once we have an acceptable plan to offer, a personal meeting of the two chief executives may not even be necessary to reach agreement on it. It has, therefore, become most important now to discuss the substance of potential moves that might be made to alleviate the East-West tension.

The proper starting point for such discussion can be found in the one favorable factor characteristic of the present situation, namely, the obvious desire of both power groups to avoid war between themselves. Both vie in protesting that they do not plan aggression against any country, but that they are deadly

* Discussions within the Graduate Faculty, New School for Social Research, and the Institute of World Affairs, especially with Dean Erich Hula of the Graduate Faculty, Professor Adolph Lowe, research director of the Institute, and Mr. Frank Altschul, of New York, who presided over a discussion of the idea at a meeting of the Institute, have contributed to the development of this paper, after its basic proposal had first been presented at a meeting of the General Seminar of the Graduate Faculty on February 7, 1949.

afraid of aggression planned by the other. Whatever the value of these public protests with regard to particular objectives, they are obviously sincere to the extent that they express the fact that neither group wants to become engaged in total war with the other.

Supplementing the Atlantic Treaty by a Safety Belt Pact with the Soviet Union. It has been variously proposed to remove one or another of those countries that lie between the Western Powers and the Soviet Union from the political area of conflict between the two great power groups. Although these suggestions in their aggregate refer to a vast geographical belt from Scandinavia to Iran, they have so far been pursued only separately for individual countries. It is here proposed to discuss them in combination with regard to one of their potential aspects, namely, that of establishing a safety belt between the potentially hostile power groups. More in particular, it is proposed to examine whether it can be recommended that a pact be offered between the two power groups to the effect that neither party may unilaterally move military forces into the belt countries, not even at the request of those countries' governments, and that any violation of this pact be considered aggression justifying defensive war.

Assuming that both power groups wish to avoid war between themselves, establishment of such a safety belt obviously offers the common advantage to both that no foreign troops, except by common agreement, would be allowed to swarm across the frontiers of the safety belt. The Soviet Union thus would obtain the guarantee that no American, British, French, or other foreign troops would be stationed within the belt in peacetime, except on the basis of a common agreement. The Western powers, in turn, would obtain the promise that no troops of the Soviet Union or of its satellites would penetrate into the belt. More particularly, neither group would need fear the quasi-legitimate appearance at its own borders in the midst of peace of the other's military forces sent there on the basis of an invitation, real or alleged, by some belt country's government.

In order to be precise about the meaning of the suggested pact, it is proposed to consider its contents basically within the narrow limits outlined above. The original pact is to impose no obligations on the belt countries, who will not even be parties to it, but only on the countries of the potentially hostile power groups outside of the belt, and the obligations incurred by the latter will be merely negative in character. Consequently, the belt countries will not be prohibited from taking sides in ideological controversies, from perferring socialism to free enterprise or vice versa, or from engaging in any commercial, financial, or other non-military arrangement with either the Western powers or the Soviet Union, or both. Nor will they be prevented from making military arrangements with other countries, to become effective in the event of aggression and in defense against it. Whether any additional restrictions in this respect are to be placed on the contracting parties or—as, for instance, in the case of Germany—on the belt countries, or on both, must be considered separately for each country.

With neutralization thus limited, the term "neutrality" should be avoided in referring to the status of the belt countries, since it might give rise to ambiguities as to the degree of neutrality implied. The territory of all belt countries will be "off limits" for unilateral military movements of the two power groups. Otherwise, the degree of neutrality may vary from country to country, and the process of neutralization may develop gradually, until in some countries it may reach the degree it has attained in Switzerland, where neutrality is guaranteed first by international treaties, secondly by the neutrality clause of the Swiss constitution, and thirdly by long and unbroken tradition. Whether such extreme neutrality is desirable will be discussed below.

It should, on the other hand, be made clear that no action taken under the auspices of the United Nations could be considered in violation of the pact. In view of the veto power wielded by the big powers in the Security Council, such action would always require the consent of both the United States and the Soviet Union as well as that of Great Britain and France; but it would not necessarily require the assent of minor powers concerned.

The relationship between the safety belt idea and the North Atlantic treaty follows from the foregoing statements. The Safety Belt pact would leave the belt countries free to protect themselves from aggression and to take any steps in preparation of defense. The only thing they are indirectly prohibited to do is, before they are attacked, to admit into their territory military forces of either the Western powers or the Soviet Union and of their allies. A country's inclusion in the Atlantic treaty or in some similar agreement would not, therefore, prejudge its inclusion in the Safety Belt pact, and vice versa, provided the measures taken by the belt country had a purely defensive character and no obligation was incurred to tolerate military forces from outside the belt entering the country in peacetime. Whether belt countries participate in preparatory alliances for the potential case of aggression or refrain from such alliances is a question to be decided by them alone. They may conclude such defensive alliance with one party, with both parties, or with none, as they prefer, and may make any military preparation of their own in self-defense, unless special obligations incurred in additional pacts, as in the case of demilitarized Germany, limit their freedom in this respect.

The fact that military movements from the outside into the belt countries are prohibited is, of course, no safeguard against political infiltration and against influence exercised—with or without the support of foreign civilian agents, foreign money, and foreign propaganda—through nationals of the belt countries. Domestic defense against totalitarian upheavals might, however, be strengthened considerably in some areas by the knowledge that military forces could not enter the country from the outside even under the pretext that they had been invited by the country's own government, which might have been undemocratically established as the puppet of a foreign power or terrorized into making the gesture of inviting foreign troops. This loophole in the network of international law, through which German and Italian fascist troops slipped quasi-legitimately into republican Spain at the request of a self-

appointed rebel government, and later Hitler's armies into Austria and Czechoslovakia at the request of terrorized cabinets, and which played a rôle also in the pressure exercised in Poland, Hungary, and Czechoslovakia for the establishment of Communist governments, would be closed with respect to the belt countries. The Atlantic treaty has left it wide open. It would be closed for both power groups, of course. Only at the behest of the United Nations or with the agreement of both groups would countries outside the belt, even if invited, be permitted unilaterally to send military forces into the belt.

The Safety Belt pact, consequently, would to some extent affect the Truman Doctrine, according to which it is the "policy of the United States to support free peoples who are resisting attempted subjugation by armed insurrection or by outside pressure."[1] In proclaiming this policy in March, 1947, with special reference to Greece and Turkey, President Truman asked Congress not only for funds to aid them, but also to authorize the detail of American civilian and military personnel. And the State Department soon afterwards declared that in case other countries should find themselves in situations similar to that of Greece and Turkey, "and should call upon the United States for aid, it is the intention of the Government of the United States . . . to extend such aid as seems most effective."[2] The Safety Belt pact would limit United States aid *for belt countries* to measures other than the detailment of military personnel. It would to that extent imply a modification in the military applicability of the Truman doctrine in the belt countries as long as no military forces from the Soviet Union or its satellites had entered them, just as it would limit the right of the Soviet Union to send troops into the belt countries upon the call of their governments. Whether these implications are acceptable to both groups, or whether they may require some reservations, must be considered separately for the individual countries.

While the primary idea is that of barring military ground forces from entering the belt, the pact may extend to naval and air forces. Its main effect on air forces would be that military planes would be prohibited to use air fields within the belt countries in peacetime, even with consent of the respective country's government, except for emergency landings and similar use in line with special international agreements.

The Belt Countries. At the outset, the safety belt might include the Scandinavian countries, Germany, Austria, and Switzerland; if agreed upon for these countries, it might be extended to Yugoslavia, Greece, Turkey, Iran, and other countries, especially in east-central Europe.

With regard to Scandinavia, it has been mentioned already that the Safety Belt and North Atlantic pacts are compatible. While Norway and Denmark have signed the Atlantic treaty, Sweden has refrained from doing so. This was

[1] Message of President Truman, delivered before joint session of Congress on Mar. 12, 1947.

[2] Statement before the Senate Committee on Foreigh Relations, *Department of State Bulletin*, 1947, p. 270. See Alexander H. Sacks, "The Truman Doctrine in International Law," *Lawyers Guild Review*, Vol. 7 (1947), pp. 141–177.

a decision exclusively for the individual countries to make. It is, however, important to realize that, whatever the merits or demerits of Sweden's policy of "strict neutrality" may be for herself, individual neutrality contains no constructive contribution to the solution of the problems with which the world as a whole is confronted. Even if the other Scandinavian countries had joined Sweden, the establishment of a neutral Scandinavian *bloc* in the north of Europe would have done nothing to solve the East-West conflict or to prevent the outbreak of another war over it.

Strict neutrality of individual countries is indeed too narrow, too nationalistic, a concept in the present world conflict. It means that each country cares for itself and only for itself. Moreover, it is a dangerously negative concept, inasmuch as it leads to rejecting collective defense even in case of aggression. And it is an abortively local concept, since neutralization of individual countries does not put any barrier in the way of aggressors at other places.

In order to serve a constructive purpose for peace, the neutrality idea must be stripped of both its purely negative and its purely local character. Countries that geographically separate the great powers can fulfill an important function in the preservation of peace, not by staying neutral in the event of aggression, but by forming an obstacle to aggression; not by constituting an individual island of escape from disaster, but by forming a link in a chain that holds off disaster. To fulfill this function, the sickly idea of complete neutrality—neutrality even in the event of aggression—must be reduced to the sound idea of membership in a belt equally closed to military expeditions of both East and West, mutually guaranteed by both.

Not only is the safety belt idea compatible with collective defense against aggression; the two ideas actually supplement each other, because the Safety Belt pact assures the Soviet Union that no aggressive intentions will be pursued with the Atlantic pact and that no armed forces of the Western powers will be moved into the Scandinavian countries unless these countries are attacked. Simultaneously, it assures the West that no alleged invitations by some Communist-dominated government, or by rebellious Communist groups in border sections will give the Soviet Union a pretext for sending troops into belt countries. The Safety Belt pact may thus serve to some degree to alleviate fears of aggression within the Scandinavian countries as well as within the Soviet Union and the Western powers.

It is evident, however, that the idea of a safety belt will meet its most crucial test in Germany. In a merely formal sense, Germany's inclusion in the Safety Belt pact would be the simplest thing in the world. For Germany's present occupation is not the result of "unilateral" movements of foreign troops across her boundaries. On the contrary, when the Western powers and the Soviet Union marched their troops into Germany, they acted in full agreement. Germany's continued occupation would not, therefore, be in conflict with the only obligation the two power groups are to assume in the Safety Belt pact—the obligation, namely, not unilaterally to move armed forces into the territory of a belt country.

Substantially speaking, however, the Safety Belt pact may also lead to a more satisfactory settlement of the German problem. The tactical moves made in the past by the two power groups—and especially, it can hardly be denied, by the Soviet Union—have led into a jam from which disentanglement can be expected only through the impact of a new strategic peace idea. The Safety Belt pact may serve as such a strategic idea in the service of peace. It would assure either party of the peaceful intentions of the other, imposing no humiliation on either. The occupying powers then might find it easier to agree either on a new mode of occupation under quadripartite direction, or on the withdrawal, in full or in part, of their armed forces from Germany or from her central section, leaving authority to civilian commissions. While the Safety Belt pact would not in itself predicate as to which of these two conceivable solutions of the German problem ought to be chosen, it might constitute the starting point for a new approach.

Inclusion of Austria is in line with the interests of both Austria and the two power groups. It gives this small but important country a chance for undisturbed recovery after a long period of afflictions. Essentially, it repeats obligations previously incurred to withdraw occupation troops from Austria. It would, however, add to this old pledge the new one that the contracting powers would not unilaterally re-enter Austrian territory with military forces, not even with the consent of the Austrian government, unless Austria or some other belt country had been attacked.

Yugoslavia's inclusion would actually impose no particular sacrifice on either herself or the two power groups, since neither of the two is maintaining military forces in Yugoslavia anyway, nor can expect to be invited to send troops there in peacetime. The pact would, nevertheless, offer a starting point for a lasting pacification of a section of Europe that has often been the center of conflagration.[3]

In the case of Greece, the situation is different because infiltration of terroristic doctrines and support of rebel groups from neighboring countries have caused the Greek government to invite foreign help. Only after the civil war is liquidated and a certain state of pacification is reached may Greece be considered ripe for the Safety Belt pact. Her inclusion may require previous agreements within the United Nations on the preservation of her independence. But the prospect of having her included may help to overcome her present troubles. What has been said of Greece applies also to Turkey, although Turkey seems to have been more successful so far in resisting Communist infiltrations independently.

Inclusion of Iran would fortify the pledges given at the Teheran Conference that the independence of Iran will be respected by both power groups. It would make these pledges applicable also in the event of an invitation issued by any Iran government, whether central or regional, legitimate or revolutionary, free

[3] Since these lines were written, the conflict between the Soviet Union and Yugoslavia has offered a striking illustration for the problem here discussed.

or puppet. It would also override any claims based on former pacts between the two power groups and Iran. With the fear of military pressure thus removed and both power groups remaining free to come to the aid of Iran in case of an attack by the other, Iran's peaceful development will be strengthened.

The United States and Great Britain may not be willing to abandon their right to grant military aid unilaterally to the governments of Greece, Turkey, and Iran in the fight against terroristic and totalitarian domestic upheavals unless effective provision has first been made by the United Nations Security Council to protect freedom of elections. The mere fact that Article 21, par. 3, of the Universal Declaration of Human Rights, as approved by the United Nations General Assembly on December 10, 1948, has proclaimed the principle of free elections in all member states of the United Nations constitutes, of course, no guarantee that elections will actually be free.[4] The Declaration involves no legal obligation for the member states, and its moral force has been weakened from the outset by the fact that the Soviet Union has abstained from voting for it. The Covenant of Human Rights, drafted to establish legal obligations for signatory parties, does not even mention freedom of elections. No implementation has been provided.

Previous agreement on this question may well become a condition for the inclusion of Greece, Turkey, and Iran in the offer of a Safety Belt pact. On the other hand, it seems unnecessary to delay conclusion of the pact on this ground with regard to Scandinavia, Germany, Austria, and Switzerland, because freedom of elections in these countries is either sufficiently secured (Scandinavia, Switzerland, western zones of Germany and Austria) or likely to improve rather than deteriorate under the pact (eastern zones of Germany and Austria).

East-Central Europe. Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, and Albania pose a special problem with regard to the safety belt. The basic idea requires that they either be included in the belt or, not being included, become parties to the pact to the effect that their military movements be placed under the same restrictions as those of the other contracting parties.

From the Western point of view, it is desirable to see them included. For the Western powers will anyway be prevented from unilaterally coming to the aid of these countries' governments, even if invited, because Western military forces would have to cross belt countries in order to bring such aid. Inclusion in the belt would be apt to strengthen the feeling of independence in people who now seem paralyzed by the fear that any move directed against their own dictatorial governments from the inside will be ruthlessly suppressed, if need be, with the help of Soviet armies called in for the protection of Communist dictators. If these people knew that Soviet troops were bound to stay out of

[4] Article 21, par. 3, reads: "The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures." This text fails to stipulate, except by the vague term "genuine," that parties or groups willing to respect the human rights established in the Declaration may not be prevented from nominating candidates, setting up programs, and campaigning for them.

their countries and that any unilateral movements of Soviet troops would automatically give the green light to movements of the Western powers in defense of their independence, they might feel fortified in their fight for freedom. Contrariwise, if they saw a safety belt established to the west of their own areas so as technically to prevent the Western powers from coming to their aid whenever their dictators played together with the Soviet Union, they might feel abandoned and lose hope.

It would, therefore, be neither surprising nor illogical if the Western powers accepted the belt idea only on condition that the countries of East-Central Europe, or at least some of them, like Poland, Czechoslovakia, and Hungary, be included in the belt. An additional argument for this broadening of the belt can be found in the fact that Norway, Denmark, Sweden, Switzerland, Greece, Turkey, and Iran, as well as the greater parts of Germany and Austria, are countries whose people are inclined toward the West and that, therefore, any offer to restrict the safety belt to them would involve a much greater sacrifice for the West than for the Soviet Union. Inclusion of East-Central Europe would establish a better balance, and at the same time increase the significance of the pact as an instrument of peace and security.

The only sacrifice actually required of the Soviet Union is the renunciation of its right to send armed forces into central European countries unilaterally at the request or with the consent of their governments. As long as Austria is occupied, the Soviet Union will certainly insist on its right to send troops through Hungary and Czechoslovakia, and as long as the occupation of Germany lasts, through Poland. Temporary exceptions to make this possible could not well be denied. After termination of Austria's occupation, such exceptions would, however, be justified only with regard to the transportation of Soviet troops to Germany through Poland. Transportation through Czechoslovakia would not be necessary for the occupation of Germany, just as little as it has been necessary for the occupation of southwestern Germany and of western Austria to transport troops through Switzerland. With the withdrawal of armed forces of occupation from Germany, the temporary right of the Soviet Union to send troops into Poland, too, would automatically come to an end.

Conclusion. The grave East-West tension may lead to war practically at any time. Not that the great powers want war; their official leaders, at least, and the masses of their people, do not seem to wish for war on either side. Yet the high-tension line which has developed between the two fronts of very different climate that have come to meet in the midst of Europe may by its mere existence lead to an explosive discharge any day. That it has not done so yet is almost a miracle. But miracles have a habit of fading from the present into the past; they are a warning in a time of grace, not a reliable institution.

Even the lifting of the blockade of Berlin has not removed the danger inherent in the high-tension line, which continues to exist. Berlin is merely one particularly hot spot along that huge line, which runs from the North Cape to the Balkans and beyond. Potentially there are many more such spots.

In view of these facts, and of the prospect that they will be aggravated

further in the running race of armaments, and in view also of the hopeless conflict of ideologies and practices, which does not seem to permit fruitful coöperation between East and West as between friends—in view of these signals of grave danger, we must not let things go until we find ourselves engulfed in a total war which no one wanted to have. We must look out for arrangements that may help to preserve peace.

Since no real, no reliable, *rapprochement* between the Soviet Union and the Western powers can be expected as long as ideologies and practices remain as different as they now are, establishment of a safety belt may serve as a means of disentanglement, as an alternative to war. The mere offer of such a pact would have a great psychological effect. It would make it abundantly clear that Washington's intentions are not aggressive. It would give the Kremlin an opportunity to demonstrate that its intentions, too, are not aggressive. And it would offer an arrangement under which aggression would actually be more difficult and risky for either power group. Thus it could serve to free the world of great anxieties. It would, if accepted, reduce the burden of armaments on both sides.

INSTRUCTION AND RESEARCH

RECENT JAPANESE POLITICAL AND HISTORICAL MATERIALS[1]

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Historians and political scientists are frequently handicapped in analyzing the contemporary scene, or a recent period, by lack of documentary evidence. The Pacific war, however, has created a unique situation regarding Japanese political and economic documents giving authoritative evidence of Japanese affairs during the two decades prior to the attack on Pearl Harbor. As a result of military defeat, the Japanese government and people have been forced to submit to the occupation authorities thousands of documents which otherwise might never have been made available for research purposes. The total sum of this material is so great that significant research work is now possible in many fields of recent Japanese government, politics, and diplomacy.

Soon after the beginning of the occupation, military teams were assigned the task of collecting documents. Their instructions were broad, and their haul was unbelievable. A large part of what they, and other agencies, have accumulated is still in the hands of the occupation forces, but two categories of materials are already available for private research: the documents assembled for the International Military Tribunal for the Far East (IMTFE) and the Japanese Army and Navy department files which have been deposited in the National Archives in Washington, D.C. In this paper, an attempt will be made to survey the nature and scope of the first category: the IMTFE materials.[2]

The great mass of documentary and testimonial evidence brought before the Tribunal, during the twenty months while it was hearing evidence,[3] covers a wide range of historical events and problems for the period from 1928 to 1945.

[1] A paper read at the first annual meeting of the Far Eastern Association at Yale University on April 6, 1949.

[2] This survey is based on a study of IMTFE materials presented to the University of California, Berkeley, by Yale Maxon, formerly chief of the Document Division of the International Prosecution Section of the Supreme Commander of the Allied Powers. The writer is grateful to Mr. Maxon for also supplying much valuable information concerning the function, authorship, special characteristics, and deficiencies of each of the research aids discussed in this paper. Most of the materials in the University of California collection are available at the Library of Congress [see *The Library of Congress Journal of Current Acquisitions*, V, No. 4 (Aug., 1948), 29] and at the Hoover Institute and Library on War, Revolution, and Peace at Stanford University [see "Activities of the Tokyo Office of the Hoover Institute and Library on War, Revolution, and Peace for 1948" (mimeographed report), 4].

[3] The Prosecution opened its case on June 3, 1946, and the reception of evidence was terminated on February 10, 1948. Closing arguments and summations of the Prosecution and Defense opened on February 11 and closed on April 16, 1947. The Judgment of the Tribunal was delivered on November 9 through November 12, 1948. *Judgment of the Military Tribunal for the Far East*, [hereafter cited as *Judgment*], A, 1 and 12–13.

Twenty-eight[4] high-ranking Japanese officials—including former prime ministers, cabinet members, diplomats, generals, admirals, and the Lord Keeper of the Privy Seal—were accused of committing " . . . Crimes against Peace, War Crimes, and Crimes against Humanity. . . . "[5] In one of the thirty-six counts listed under "Crimes Against Peace," the defendants were accused of participating " . . . as leaders, organizers, instigators, or accomplices in the formulation or execution of a common plan [to] . . . secure the military, naval, political, and economic domination of East Asia and of the Pacific and Indian Oceans. . . . "[6] The Indictment was so inclusive that the Prosecution adopted the plan of presenting its case in fifteen separate phases. The first dealt with "The Japanese Constitution and the Government Structure" and the second with "Preparing Japanese Opinion for War." Then came phases on different types of aggressive action in China and Manchuria, followed by a phase on the relations between Japan and the Axis Powers and others on the relations between Japan and the Allied Powers. There was also a phase on military preparations, two covering crimes against humanity, and finally one dealing directly with the accused.[7] The presentation of the Defense was less intricate,

[4] Twenty-eight men were named in the Indictment as defendants, but during the trial two (Matsuoka Yōsuke and Nagano Osami) died and one (Ōkawa Shūmei) was declared "unfit to stand his trial and unable to defend himself." The other defendants were: Araki Sadao (General and War Minister); Doihara Kenji (General); Hashimoto Kingorō (General); Hata Shunroku (General and War Minister); Hiranuma Kiichirō (Premier); Hirota Kōki (Premier); Hoshino Naoki (President of Planning Board); Itagaki Seishirō (General and War Minister); Kaya Okinori (Finance Minister); Kido Kōichi (Lord Keeper of the Privy Seal); Kimura Heitarō (General and Commander of Forces in Burma); Koiso Kuniaki (General and Premier); Matsui Iwane (General and Commander of Central China Expeditionary Force); Minami Jirō (General and War Minister); Mutō Akira (General and Director of Military Affairs, Bureau of the War Ministry); Oka Takasumi (Admiral and Chief of Bureau of Naval Affairs); Oshima Hiroshi (General and Ambassador to Germany); Satō Kenryō (General and Chief of the Military Affairs Bureau of the War Ministry); Shigemitsu Mamoru (Foreign Minister and Ambassador to Great Britain); Shimada Shigetarō (Admiral and Navy Minister); Shiratori Toshio (Ambassador to Italy); Suzuki Teiichi (General and Director of Cabinet Planning Board); Tōgō Shigemori (Foreign Minister); Tōjō Hideki (General and Commander-in-chief of the Kwantung Army). For personnel records of the defendants, see IMTFE, "Exhibits," 103–129.

[5] IMTFE, "Proceedings," 32.

[6] *Ibid*, 33–34. There were 55 counts in all, 36 under the heading of "crimes against peace" and 19 under "murder." For a full text of the Indictment, see *ibid*, 27–73.

[7] Phase I (Japanese Constitution and Government Structure): IMTFE, "Proceedings," 518–683; "Exhibits," 1–129.

Phase II (Preparing Japanese Opinion for War): "Proceedings," 807–1679, 3122–3209; "Exhibits," 130–168.

Phase III (Manchurian Military Aggression): "Proceedings," 1679–2297, 2693–3121, 3209–39, 3945–4406; "Exhibits," 169–199, 210–246, 278–305.

Phase IV (Military Aggression in the Rest of China): "Proceedings," 2298–2517, 3239–68, 3286–3364, 3376–85; "Exhibits," 200–3, 247–9, 251.

Phase V (Atrocities in Connection with Military Aggression in China and Opium and Narcotics in China): "Proceedings," 2527–2692, 3270–84, 3369–75, 3886–3943, 4407–24, 4451–4993; "Exhibits," 204–9, 250, 252–77, 306–435.

but equally broad. The first division of its case, entitled "General Problems," included arguments under such subdivisions as "Lack of Conspiracy," "Encirclement," and "Japanese Domestic Conditions." The next three divisions were devoted to Manchuria and Manchukuo, China, and Russia. The fifth division came under the heading of the "Pacific War," and the sixth "Individual Defense."[8] The framework of the trial, therefore, was such that documents and testimony touching upon almost every aspect of modern Japanese history was introduced as evidence.

Although the witnesses, in most cases, were important military or political figures, their testimony, because of the circumstances of the trial, is not so valuable for the historian as the 4,336 documents accepted into evidence as exhibits. In many cases, only excerpts from the exhibits were read into the official "Proceedings"* but copies of the originals and, when not in English, of their English translations, were made for the Tribunal. A file of the "Exhibits"* runs to more than 50,000 pages. They include treaties, agreements, conventions, Imperial Ordinances, Imperial Rescripts, Foreign Office documents,

Phase VI (Economic Aggression in Manchuria and China): "Proceedings," 3852–83, 4424–50, 4999–5347; "Exhibits," 436–471.

Phase VII (Relations with Germany and Italy): "Proceedings," 5848–6707; "Exhibits," 477–611A.

Phase VIII (Relations with France and Thailand): "Proceedings," 6708–7212; "Exhibits," 612–665.

Phase IX (Relations with USSR): "Proceedings," 7213–8181, 31825–32201, 32557–77; "Exhibits," 666–839A, 3371–4, 3392.

Phase X (Preparations for War, Naval and Military Fortifications, Finance and Production): "Proceedings," 8182–9263, 11166–225; "Exhibits," 840–919, 1249–64.

Phase XI (Relations with US and British Commonwealth): "Proceedings," 9264–11, 393; "Exhibits," 920–1283.

Phase XII (Relations with Netherlands and Portugal): "Proceedings," 11632–12347; "Exhibits," 1284–1354.

Phase XIII (Class C Offenses): "Proceedings," 5351–5847, 12348–853; "Exhibits," 472–6, 1355–1489.

Phase XIV (Class B Offenses, including offenses against prisoners of war, crimes against humanity, and offenses committed at sea): "Proceedings," 11403–627, 12854–15554; "Exhibits," 1490–2176.

Phase XV (The Accused): "Proceedings," 15555–16995; "Exhibits," 2177–282.

[8] Division I (General Problems): IMTFE "Proceedings," 17115–18629, 23930–62; "Exhibits," 2283–379, 2717–20.

Division II (Manchuria and Manchukuo): "Proceedings," 18630–20484, 28075–84; "Exhibits," 2380–2476D, 3158.

Division III (China): "Proceedings," 20485–22399, 23963–24162; "Exhibits," 2477–2610, 2721–21H, 3154–5.

Division IV (USSR): "Proceedings," 22404–23929, 28063–64, 37104–62; "Exhibits," 2611–2716C, 3156–7E, 3724–31.

Division V (Pacific War): "Proceedings," 24165–28052, 28065–88; "Exhibits," 2722–3153, 3158–3160.

Division VI (Individual Defense): "Proceedings," 28108–37167; "Exhibits," 3160–3734.

* Titles marked with an asterisk (*) are in the University of California collection and have been consulted in the preparation of this paper.

military reports, Home Office analyses, personnel records of the accused, depositions, maps, statistical reports, and many other types of material. In its final Judgment, the Tribunal mentioned the diversity and volume of the exhibits and inserted the following comment concerning their completeness and authenticity: "The Tribunal was handicapped by the absence of many originals of important Japanese official records of the Army and Navy, Foreign Office, Cabinet, and other policy-making organs of the Japanese Government. In some cases what purported to be copies were tendered and received for what value they may be found to have. The absence of official records was attributed to burning during bombing raids and to deliberate destruction by the Fighting Services of their records after the surrender. It seems strange that documents of such importance as those of the Foreign Office, the Cabinet secretariat, and other important departments should not have been removed to places of safety when bombings commenced or were imminent. If it should prove that they were not thus destroyed, but were withheld from this Tribunal, then a marked disservice will have been done to the cause of international justice."[9]

Exhibits of particular interest are the notes and telegrams exchanged between Foreign Minister Tōgō and Ambassador Nomura from October 17 to December 7, 1941;[10] for they add much to the story of Japanese-American diplomatic relations prior to Pearl Harbor. But there are many other items that will excite the student of modern Japanese history, such as materials relating to Japanese propaganda efforts,[11] minutes of the Privy Council,[12] and documents bearing upon the subject of German-Japanese relations.[13]

Use of the "Exhibits" is facilitated by a two-volume "Index of Exhibits"* prepared by the Tribunal. The first volume is devoted to exhibits introduced by the Prosecution and the second to those by the Defense. The "Index" lists the documents in the order in which they were presented to the Tribunal, gives the title of each, and shows where in the "Proceedings" they were introduced as evidence.

The "Exhibits" constitute only a small portion of the documents assembled for the trial. The International Prosecution Section collected well over 4,000 documents (generally referred to as the IPS Documents), of which only about one-half were offered to the Tribunal as exhibits.[14] Furthermore, in most cases the exhibits were only parts of, or excerpts from, the original documents. Consequently it has been estimated that the "Exhibits," voluminous as they are, constitute less than one per cent of the material in the IPS Documents.

[9] *Judgment*, A, 20–21.

[10] These documents were introduced in Phase XI of the Prosecution's case and in Division V of the Defense case.

[11] Most of this evidence was introduced in Phase II of the Prosecution's case.

[12] IMTFE, "Exhibits," 485.

[13] See Phase VII of the Prosecution's case and Divisions I and V of the Defense case.

[14] The IPS Document numbers run as high as 8279 (IPS, "Numerical List of IPS Documents Introduced as Court Exhibits,"* 32), but not all the numbers were assigned. Of the 4336 exhibits, over 2200 were submitted by the Prosecution.

The Documents assembled by the Defense have, it is believed, been returned to the original owners,[15] but the IPS Documents which did not become exhibits are still intact as a collection and will probably be deposited eventually in the National Archives. Among the IPS Documents are such notable items as the "Secret Record of Japanese Renovation Movements,"*[16] prepared by the Investigation Division of the Home Office in 1938. This volume contains "very valuable background material regarding ultra-nationalistic or militaristic organizations, including the names of the founders and a list of charter members. It also contains detailed descriptions of such incidents as those of March and October, 1931, the 'May 15th Incident,' the 'February 26th Incident,' and others."[17] Portions, but only a small per cent of the whole document, were introduced into evidence as exhibits. Another document of importance, and one which was given special attention by the Tribunal, was the "Saionji-Harada Memoirs." Regarding its value, the following statements were made in the Judgment: "The special position of Prince Saionji as the last of the Genro provoked full and candid disclosure to him through his secretary Harada. Harada's long period of service to the Genro in this special task of obtaining information from the very highest functionaries of the Government and the Army and Navy is a test of his reliability and discretion . . . the Tribunal is satisfied that these are the original memoranda as dictated by Harada and edited by Saionji. To the extent to which they are relevant, the Tribunal considers them helpful and reliable contemporary evidence of the matters recorded."[18]

It would be impossible to give, in this paper, an accurate estimate of the scope and value of the IPS Documents which did not become exhibits. But, fortunately for the historian, the International Prosecution Section prepared analytical reports for most of its documents. These reports, entitled "Analyses of Documentary Evidence,"* supply basic descriptive information, such as the title and nature of the document, its date and authorship, and the location of the original. Also they indicate the crimes to which the documents were considered applicable and conclude with a summary of relevant points. The complete file of "Analyses" amounts to 27 volumes, or to some 3,500 pages, of mimeographed material.[19] In addition, the International Prosecution Section,

[15] One document produced by the Defense created quite a sensation: the "Kido Diary,"* which was kept religiously for fifteen years by one of Japan's most influential political figures. Many extracts from this "Diary" were submitted as evidence by both the Defense and the Prosecution. The "Diary" was designated as Defense Doc. No. 1632.

[16] *"Nihon Kakushin Undō Hiroku."*

[17] International Prosecution Section of the Supreme Commander of the Allied Powers [hereafter cited as IPS], "Analyses of Documentary Evidence," IPS Doc. No. 12.

[18] *Judgment*, A, 22. The International Prosecution Section prepared an "Index to the Saionji-Harada Diary."*

[19] With a few exceptions, IPS Documents with numbers ranging from 1 to 4100 have been analyzed, but the following blocks of numbers have not been analyzed: 4101–4500 (IPS Interrogations of War Crimes Suspects); 5001–5500 (Prisoner of War Affidavits and Summaries [British Empire]; 5501–6000 (Prisoner of War Affidavits and Summaries [Netherlands]; 6250–6500 (Preparations for War, Naval); 6900–—— (Opening State-

during the preparation of its case, compiled four indices to the IPS Documents which are of continuing value for research:

(1) The "Revised Index of Documents by Defendants"* lists the numbers of all documents pertaining to each of the defendants. Under each name are two separate lists of documents, one for those introduced as evidence (in this case, the exhibit number is also shown), and one for those which were not so introduced.

(2) The "Index to Documents (By Phase and Subject)"* lists the IPS documents pertaining to each phase of the Prosecution's case.

(3) The "Index of Documents not Specifically Linked to One or More of the Defendants"* was prepared for the specific purpose of reëvaluating all the IPS Documents, and was therefore meant to supplement the previously mentioned indices.

(4) The "Numerical List of IPS Documents Introduced as Court Exhibits"* shows which of the Documents were used as exhibits and what the exhibit numbers are.

The second type of evidence, that is, the testimony of witnesses, is included in the official "Proceedings"* of the International Military Tribunal for the Far East. A separate volume of the "Proceedings" was made up for each day of the trial, and although the "Proceedings" include only a part of the "Exhibits," they still are extremely voluminous,[20] running to 48,412 mimeographed pages, exclusive of the Judgment. Large sections are devoted to discussions of legal technicalities, to summations by the Prosecution and the Defense, and to the introduction, identification, and acceptance of exhibits; but, nevertheless, thousands of pages are filled with the evidence of witnesses—419 witnesses testified in Court and 779 gave evidence in depositions and affidavits.[21] In many cases, the witnesses were important political figures and their testimony supplied new information about crucial events in recent Japanese history. For example, one man called as a witness on behalf of the Prosecution was Tanaka Ryūkichi, who, in 1940, became chief of the Military Service and Discipline

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ments); 7000–7100 (Japanese Propaganda and Censorship); 7501–—— (Personnel Records); 8001–8500 (Prisoner of War Affidavits [U.S.]); 9001–—— (Preparations for War, Economic); 9501–—— (Opium and Narcotics); 11500–11600 (Preparing Japanese Public Opinion for War); and 11601–11900 (Recordings of Speeches by Tōjō and Other Defendants). *Ibid.*, I, 1–2. "Analyses of Documentary Evidence."

[20] At various times, a list of corrections to the "Proceedings" was made; the one in the University of California collection is entitled "Official Corrections of the Transcript, Cumulative List of, 19 June 1947."*

[21] *Judgment*, A, 13. Regarding the value of the testimonial evidence, the Tribunal made the following remarks in its Judgment: "A large part of the testimonial evidence which was presented has been a source of disappointment to the Tribunal. An explanation of events is unconvincing unless the witness will squarely meet his difficulties and persuade the Court that the inference, which would normally arise from the undoubted occurrence of these events, should on this occasion be rejected. In the experience of this Tribunal, most of the witnesses for the Defence have not attempted to face up to their difficulties. They have met them with prolix equivocations and evasions, which only arouse distrust." *Ibid.* A, 19.

Bureau of the War Ministry. In that position, one of his principal duties was the control and supervision of army morale. He testified that he had read various reports which dealt with such well-known incidents as the murder of Chang Tso-lin in 1928, the May 15 Incident of 1932, and the February 26 Incident of 1936.[22] His testimony about those events not only was startling but provided important evidence, since the Japanese Government claimed that it could not locate the reports which Tanaka had read.[23]

The use of the testimony of witnesses by the historian has been facilitated by an "Index of Witnesses,"* compiled by the Tribunal. It is divided into two parts, one for the witnesses of the Prosecution and one for those of the Defense. It shows the pages in the "Proceedings" where the examination, or cross-examination, of witnesses was recorded.

The great mass of evidence, both testimonial and documentary, was such that the Prosecution and Defense attorneys experienced tremendous difficulties in making use of it, particularly in connection with the preparation of their respective summations. To meet this problem, the International Prosecution Section prepared several composite summaries and indices. The following will be particularly valuable to anyone wishing to use the "Proceedings" and the "Exhibits" for research purposes:

(1) The "Narrative Summary of the Record"* (6,000 mimeographed pages) is a digest of the "Proceedings."[24] The pages in the "Proceedings" and the numbers of the "Exhibits" from which the digested material was obtained are clearly indicated.

(2) The "Chronological Summary"*[25] summarizes oral and documentary evidence in chronological order, beginning with the Tanaka-Hamaguchi cabinets of 1928–31 and ending with the Suzuki cabinet of 1945.[26] This Summary also shows on what page of the "Proceedings," or in what exhibit, the evidence was found.

[22] IMTFE, "Proceedings," 1945–2177, 14285–14422, 15853–15951, 22713–22758, 22943–22968, 29030–29064 and 29406–29418. Tanaka opposed the Army officers who favored a "positive" policy toward the United States, and who were confident that, in case of war, Japan would gain a negotiated peace. Tanaka was convinced that Japan was not yet sufficiently powerful to cope with the military and industrial might of the United States and, consequently, when Tōjō came to power Tanaka retired (or was forced to retire) from active military service. During the trial he showed a willingness to reveal anything that would discredit the Tōjō clique. Tanaka insisted, however, that his major concern, even in exposing the stupidity of the Tōjō group, was to be of service to Japan.

[23] IMTFE, "Exhibits," 180.

[24] The compilation of the "Narrative Summary" was discontinued with page 37167 of the "Proceedings," and consequently it does not cover that portion of the defense case recorded in pages 37168 to 38947.

[25] IPS Doc. No. 0001.

[26] The material used for this summary was the oral and documentary evidence presented by the Prosecution up to December 10, 1946, and thus does not include the evidence submitted by the Prosecution between December 10, 1946, and January 24, 1947. Mr. Logan, defense attorney, objected to this summary being offered to the Tribunal as an aid, stating that there were omissions and factual misstatements; IMTFE, "Proceedings," 16990–1.

(3) The "Decisions of Imperial Conferences, Cabinet Meetings, and Other Conferences and Meetings Which Appear in the Prosecution's Evidence"*[27] was designed to set forth "what was decided, said, contended, or argued . . . " at meetings and conferences of such important government organs as the Privy Council, Cabinet, Supreme War Council,[28] etc. This volume of 283 mimeographed pages is subdivided into fourteen chapters, one chapter each for the meetings of a particular high-level political body. The material in each chapter is presented chronologically and is limited to the testimony and documents submitted by the Prosecution. Again the source for the evidence has been indicated and, in addition, an index of personal names, appearing in the summary, has been appended.

(4) The "General Index of the Record of the Prosecution's Case"*[29] is centered around the fourteen phases by which the Prosecution's case was presented, but there are also entries for many names, places, and institutions appearing in the prosecution's evidence.

(5) The "General Index of the Record of the Defense Case"*[30] takes up where the previous index leaves off, namely, with the beginning of the presentation of the Defense's case on February 24, 1947, and continues down through the presentation of that part of the Defense's case designated as the "Tri-Partite Pact Section of the Pacific Phase."[31]

It is in the documents and the testimony of witnesses that the student of modern Japanese history and government will find basic source materials; but it is believed that he will also find considerable value in the summations made by the Prosecution[32] and the Defense,[33] in the Judgment of the Tribunal,[34] and in the various opinions of individual members of the Tribunal.[35] All are well-organized analyses by experienced legal authorities and, for years to come, will undoubtedly stimulate the thinking of persons concerned about the course of events in the Far East.

[27] IPS Doc. No. 0004.

[28] *Saikō Sensō Shidō Kaigi.*

[29] IPS Doc. No. 0005.

[30] IPS Doc. No. 0008. (IPS Doc. No. 0006 is entitled "Rulings of the Tribunal"*).

[31] This index was compiled from material found on pages 16998 to 24758 of the "Proceedings," and therefore covers only about one-third of the Defense case.

[32] IMTFE, "Proceedings," 38949–42074. The reply of the Prosecution to the Defense summation is recorded in *ibid.*, 48160–48412.

[33] *Ibid.*, 42075–48158.

[34] The Judgment was read into the "Proceedings" (48415–49858) and has been published under the title, *Judgment of the International Military Tribunal for the Far East* (U.S. War Department, 1948), 7 vols.

[35] The member for India filed a dissenting opinion (1,235 pp.); the members for France (23 pp.) and the Netherlands (249 pp.) filed dissenting opinions on part of the majority Judgment; the member for the Philippines filed a separate opinion concurring with the majority (35 pp.); and the President of the Tribunal filed a brief statement (8 pp.) of his " . . . reasons for upholding the Charter and the jurisdiction of the Tribunal and of some general considerations which influenced me in deciding the sentences." These opinions are a part of the record of the trial, but they were not read into the "Proceedings." *Judgment*, C, 1212. A mimeographed copy of these opinions is available in the Library of Congress.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

The forty-fifth annual meeting of the American Political Science Association will be held in New York City at the Hotels Roosevelt and Astor, December 28, 29, and 30. The meeting will again open with a general session, which this year will be on "The Current Status of International Coöperation." In order to give opportunity to more members to participate and to find discussions meeting their particular needs, some fifty round tables and section meetings have been scheduled. Sessions will continue through the afternoon of the third day. On each of four themes—(1) The United States in Its World Setting, (2) Liberty versus Authority in the Age of Revolutionary Change, (3) Executive Reorganization, and (4) The Bases of Political Science—five related sessions are planned, each group designed to constitute an integrated sequence. Three luncheons will each be followed by smaller discussion groups at which it is anticipated that the luncheon speakers will be present. The themes of the three luncheons—"The Nature of National Strength," "A Re-Thinking of the Relationships between Religion and Democracy," and "Executive Reorganization"—are tied into the first three of the four aforementioned sequences. The presidential address is scheduled for the evening of December 28. In general, the choice of subjects for these and other section meetings and round tables constitutes an attempt to identify and lay open for further exploration the key areas in contemporary political science. Many areas are those emphasized by the various panels of the Research Committee. A complete list will appear in the preliminary program shortly to be mailed to members. Several such meetings will take the form of reports to the Association by certain of its committees. On the evening of December 29, younger members of the Association will be given an opportunity to take part in informal and intimate discussions with a number of the senior members selected from among those who have made outstanding contributions in various fields of political science. Some twenty discussions are scheduled, each limited to not more than fifteen of the younger men and each led by two "seniors" who are leaders in the same field. The American Economic Association, the American Sociological Society, the Industrial Relations Research Association, and the National Council for the Social Studies are meeting at the same time, and several section meetings will bear the joint sponsorship of one or more of these sister organizations.—Ernest S. Griffith, Chairman, Committee on Program.

At the coming New York meeting of the American Political Science Association, the Committee on Nominations (Arthur N. Holcombe, Harvard University, chairman) will propose the following as officers for 1950: president, James K. Pollock (University of Michigan); president-elect, Peter H. Odegard (University of California); vice-presidents, Ralph J. Bunche (United Nations),

Oliver P. Field (Indiana University), and Robert J. Harris (Louisiana State University); members of the Executive Council for two years, Kenneth C. Cole (University of Washington), John D. Millett (Columbia University), and Francis O. Wilcox (Staff, U. S. Senate Foreign Relations Committee); members of the Executive Council for one year, Ethan P. Allen (University of Kansas), Hallie Farmer (University of Alabama), and Matthew C. Mitchell (Brown University).

Dr. Marshall E. Dimock served as visiting professor at New York University during the summer, conducting courses in the program of graduate studies in social science.

Professor Lloyd M. Short, of the University of Minnesota, has been appointed a member of the state's Efficiency in Government Commission.

At the University of Illinois, Dr. Phillips Bradley has resigned as director of the Institute of Labor and Industrial Relations in order to devote full time to his duties as professor of political science. He will work in the field of public administration.

Dr. H. J. van Mook, Netherlands minister of overseas territories and lieutenant governor-general of the Netherlands East Indies, is serving as visiting professor at the University of California (Berkeley) during the fall semester, and is offering courses on colonies in world politics and economic problems of undeveloped areas, and a seminar on Southeastern Asia.

Professor Taylor Cole, of Duke University, and managing editor-elect of this REVIEW, spent the summer in Germany as a consultant with the Civil Administrative Division of OMGUS.

During September, Professor Robert A. Horn, of the University of Chicago, conducted a series of lectures and discussions on American government at the Armed Forces Information School, Carlisle Barracks, Pennsylvania.

At the University of Chicago, Dr. Lester G. Seligman has been promoted to an assistant professorship in the College. His current field of work is political leadership.

Professor James W. Drury, of the University of Kansas, has been doing research work in Washington with the public administration case studies program sponsored by four eastern universities.

During the past summer, Professor H. B. Chubb, of the University of Kansas, gave courses in the summer session of Northwestern University.

During part of the past summer, Professor Robert S. Rankin, of Duke University, served with the Connecticut Commission on State Government Organization.

At Rutgers University, Dr. Bennett M. Rich has been advanced to an associate professorship.

Dr. Vladas Juodeika, of Briar Cliff College, Sioux City, Iowa, has accepted an associate professorship at the University of Portland, Portland, Oregon.

At Yale University, Dr. M. Henry Wells has been advanced to the rank of assistant professor.

At Boston University, Dr. Lashley G. Harvey has been advanced to a full professorship and will occupy the Maxwell chair of government and citizenship once held by Frederick A. Cleveland.

Dr. John H. McDonough, formerly of the University of Mississippi, has become a member of the political science department at Georgetown University and will conduct graduate and undergraduate courses in international relations.

Dr. Frederick F. Blachly and his wife, Dr. Miriam E. Oatman, formerly of Washington, D. C., are now associated with the State Teachers College of New Mexico at Silver City.

During the autumn quarter, Professor Hugh A. Bone, of the University of Washington, is substituting at Stanford University for Professor Thomas S. Barclay, on leave while teaching at the University of Michigan.

At the University of Mississippi, Dr. Charles N. Fortenberry has been promoted to a full professorship and Messrs. Edward H. Hobbs and John A. Houston, who are completing their graduate work at Harvard University and the University of Michigan, respectively, have been appointed to assistant professorships.

Mr. Martin W. Moser, instructor at the University of Maryland, has been assigned to teach extension courses in the American armed forces centers in Germany, and Mr. Abner K. Pratt, II, of the Southern Regional Training Program and the University of Tennessee, has been employed to take his place at College Park.

Mr. James A. Norton, of Florida State University, offered courses at Louisiana State University during the summer term.

Professors Leon H. Ellis, of Duke University, and Willard N. Hogan, of Bertha College, taught at West Virginia University during the summer session, and Professor Amry Vandenbosch, of the University of Kentucky, conducted a United Nations Workshop during the second half of the term.

Professor John A. Vieg, of Pomona College, was one of the lecturers at the International Service Seminar held at Valle Verde School, Sodona, Arizona, under auspices of the American Friends Service Committee, during the last week of July.

Professor Robert R. Wilson, of Duke University, undertook a mission for the Department of State during the summer, most of his time being spent in Washington and India.

Professor James J. Robbins, a member of the faculty of the School of Social Sciences and Public Affairs at the American University since 1941, has been elected vice-president of the University.

At the University of Minnesota, Dr. Charles H. McLaughlin has been promoted to the rank of associate professor.

Mr. Ivan Nagy, until 1948 first secretary of the Hungarian Legation in Washington, is now assistant professor at the University of Oregon and offering courses in the fields of comparative government and international relations.

During the current year, Dr. James W. Fesler, of the University of North Carolina, is serving as visiting professor at the University of California (Berkeley) and giving courses in the field of public administration.

Professor Elwyn A. Mauck has resigned his post at the University of Maryland to devote full time to the directorship of the State Fiscal Research Bureau in Baltimore. During the last academic year, Dr. Mauck divided his time between the University and the Bureau.

Professor Christian L. Larsen, of the University of South Carolina, has accepted a professorship, and also the directorship of the Bureau of Public Administration, at the University of Maryland. Professor Joseph M. Ray relinquished the directorship in order to devote more time to his duties as head of the political science department.

During the first half of the current academic year, Dr. Pitman B. Potter, dean of the graduate division of the School of Social Sciences and Public Affairs at the American University, is serving as visiting professor of international relations and world affairs for the Watumull Foundation at Delhi University. While in India, Dean Potter will lecture at a number of other universities, with additional lectures in Bangkok and Honolulu on his return trip.

Mr. C. Edwin Gilmour, of the University of Pennsylvania, has accepted a teaching position at Grinnell College.

Dr. Robert Scalapino, of Harvard University, has been appointed assistant professor at the University of California (Berkeley) and will offer courses on the Far East.

Mr. Oscar Stradinger, who is completing his graduate work at the University of Chicago, has been appointed assistant professor at Whittier College and will conduct courses principally in the field of public administration.

Dr. Alfred Hotz, recently teaching at Triple Cities College, Syracuse University, has been appointed to a post at Western Reserve University.

Professor Reuben G. Steinmeyer, of the University of Maryland, left late in August for several months' study of government in Germany and other European countries.

During August, Professor Lincoln Smith, formerly of the University of

California (Los Angeles), served as administrative counsel at hearings before the International Joint Commission between the United States and Canada held in northern Maine and the province of New Brunswick. A book by Professor Smith on New England power problems will be published in the spring.

At the University of California (Berkeley), Dr. Dwight Waldo has been advanced to the rank of associate professor.

Mr. Edmund C. Mester is a new instructor at the University of Maryland.

At the University of Pennsylvania, Mr. G. Edward Jansoik has been appointed instructor.

Messrs. Malcolm P. Parsons and Ralph A. Straetz, graduate students at the University of Illinois, have accepted instructorships at the University of Oklahoma and Miami University, respectively.

Mr. Rhoten A. Smith, instructor at the University of Kansas, is now teaching at Stanford University, and Mr. Thomas Page has returned from graduate work at the University of Minnesota to teach at Kansas.

Dr. Martin B. Travis, Jr., has joined the staff of Duke University as assistant professor in the field of Latin American institutions.

Mr. Grady H. Nunn, part-time instructor at New York University, has accepted an instructorship at the University of Alabama.

During the fall term, Professor Gerhart Niemeyer, chairman of the division of citizenship, is on leave from Oglethorpe University.

Duke University has concluded an arrangement with the United States Government whereby twelve German students will do graduate work at the University during the period from September, 1949, to September, 1950.

Dr. Kenneth O. Warner has resigned his position in the Office of Human Resources, National Security Resources Board, to accept the directorship of the Civil Service Assembly of the United States and Canada, with headquarters in Chicago. During the past few years in Washington, Dr. Warner, in addition to his government assignments, has conducted graduate courses and seminars in public administration and personnel management at the American University and the Catholic University of America.

American political scientists employed as experts during the past summer with Civil Administration Division, OMGUS, at Frankfort, Germany, included Professors Karl Loewenstein (Amherst College), Taylor Cole (Duke University), Harold M. Dorr (University of Michigan), George C. Benson (Claremont Men's College), Harvey C. Mansfield (Ohio State University), Ivan Stone (Beloit College), Elmer E. Schattschneider and Sigmund Neumann (Wesleyan University), and Roger H. Wells (Bryn Mawr College). Professor Harold Zink (Ohio State University) also spent two weeks in Germany at the invitation of the CAD.

Professor Charles P. Schleicher, of the University of Oregon, served as dean of the Northwest Institute of International Relations held at Reed College June 13–18. Other political scientists participating were Professors Harold D. Lasswell of Yale University, Kline Swygard of Oregon State College, and L. E. Shuck of Lewis and Clark College. The conference theme was "American Foreign Policy—A World View."

Professors George A. Graham, Marver H. Bernstein, and Donald G. MacDonald, of Princeton University, are making a study of eight Connecticut agencies in the field of regulatory administration for the Connecticut Commission on State Government Organization. A preliminary report is to be submitted in October, and a final one in November.

Mr. Gary Brazier, research assistant on the Intergovernmental Relations Research project at the University of Minnesota, has been promoted to assistant director of the project and also will serve as a part-time instructor in the department of political science. Mr. Lloyd W. Woodruff has been promoted to research associate on the project. The following graduate assistants in the political science department at Minnesota have accepted teaching positions for next year: Mr. Charles Adrian as instructor at Wayne University, and Mr. Robert Berg, instructor at the University of Wisconsin, Green Bay branch.

Miss Gweldolen M. Carter, of Smith College, devoted her sabbatical year, 1948–49, to studying at first hand the postwar international position of the British Commonwealth. Travelling under the auspices of the Institute of Pacific Relations, the Social Science Research Council, and the Canadian Institute of International Affairs, Miss Carter spent the summer and autumn of 1948 in the United Kingdom and Ireland, visited Malta, Kenya, Uganda, Tanganyika, Zanzibar, and Southern Rhodesia on her way to the Union of South Africa where she spent the winter, went from there to Asia where she travelled in India, Pakistan, and Ceylon, stopped briefly in Singapore, and then travelled throughout Australia and New Zealand, combining her investigations with lecturing for national organizations.

Under the immediate supervision of Professors Wellman J. Warner and Ray F. Harvey, the Graduate School of Arts and Sciences at New York University offered during the recent summer session a program of graduate studies in the social sciences centering around the topic "Public Policy and Social Action," and embracing courses on basic conflicts of modern ideology; public policy today; political history of our times; administrative process; main currents in economic thought today; labor in America today; and institutional change and public policy.

A two-day institute of politics was held at Valparaiso University during the last week of July, with Mr. Louis P. Lochner, Senator Homer E. Capehart, Mayor Frank P. Zeidler, and Mr. Milton Carpenter, comptroller of St. Louis, among the principal speakers.

Teaching appointments have been accepted by recent graduate students of the University of Chicago as follows: Dr. Paul Ashby, University of North Carolina; Mr. Richard Baisden, Occidental College; Mr. George Belknap, University of Michigan; Dr. Loren Beth, Bradley University; Mr. Ray Bronez, Western Reserve University; Dr. H. Paul Castleberry, State College of Washington; Mr. Charles Farris, University of Alabama; Mr. Gerald Grady, University of Maine; Mr. Stanley Gabis, University of Illinois; Mr. John Harris, University of Southern California; Mr. Allan Healy, Hamilton College; Dr. Daniel Ogden, State College of Washington; Mr. William B. Storm, University of Southern California; Mr. Philip Sirotkin, University College, University of Chicago, for the autumn quarter; Mr. Oscar Stradinger, Whittier College; and Mr. J. Lee Westrate, University of Omaha.

A conference on the North Atlantic Treaty was held at the University of Illinois in July under the sponsorship of the Institute of Government and Public Affairs. The discussion leaders were John O. Bell and David W. Wainhouse, of the State Department; Thomas C. Blaisdell, assistant secretary of commerce; Royden Dangerfield, of the University of Wisconsin; Clark M. Eichelberger, director of the American Association for the United Nations; Col. Sidney F. Giffin, United States Air Force; and Joseph E. Johnson, of Williams College.

During the week of July 22–28, Colgate University, with assistance from the Carnegie Endowment for International Peace and the Department of State, held a conference on American foreign policy, with Mr. Spruille Braden, former American ambassador to Argentina, Mr. Marquis Childs, columnist, Senator Brien McMahon of Connecticut, Mr. Norman Thomas, Dr. Amos E. Taylor, of the Pan American Union, Dr. George Wythe, of the Department of Commerce, former Senator James M. Mead of New York, Mr. Robert Saudek, vice-president of the American Broadcasting Company, and Mr. Stefan Osusky, former Czechoslovak ambassador to France, among leading participants.

A German Institute of Public Affairs has been founded at Frankfort-on-the-Main under the sponsorship of the Civil Administration Division, OMGUS, and directed by Dr. Edward H. Litchfield. Since completing his assignment as chief prosecutor of Nazi diplomats, Reich cabinet members, and key administrative officials, Dr. Robert M. Kempner has been appointed Military Government representative at the Institute. The first round-table conference of the Institute was devoted to problems of training German civil servants, and was attended by fifty key personnel officers of the *Laender* governments of the Western zones and also by the chief of the civil service branch of OMGUS, Mr. C. Volfsperger, his deputy, Mr. R. Cooper, and Professors Taylor Cole, of Duke University, and Harvey Mansfield, of Ohio State University. The latter gave a survey of his observations on the present status of the training program.

The American Council of Learned Societies and the Social Science Research Council have established a Joint Committee on Southern Asia for the purpose of appraising American studies relating to India, Pakistan, and Southeast Asia

and making plans for their further development. The new committee is a successor to the former Committee on Indic and Iranian Studies of the ACLS. At first primarily humanistic in its orientation, the Indic and Iranian Committee later broadened its scope and membership in response to increased wartime and postwar interest in social science studies relating to India and its neighboring countries; and as emphasis on social science projects continued to develop, the Committee recommended that it be replaced by a new group representing the SSRC as well as the ACLS.

At Michigan State College, the fourth annual Workshop in State and Local Government was held during July 5–22. Special emphasis was placed this year on the service functions of government, but sessions were devoted also to topics concerning the governor, state legislature, courts, county, city and township governments, and relationships between the individual and government. Morning sessions consisted of panel discussions by public officials, academicians, and lay persons with an interest in government; and ample opportunity was afforded for audience participation. Afternoon sessions were reserved primarily for visits to state and local government offices. As in previous years, much of the success of the program is to be credited to the interest and efforts of State Treasurer D. Hale Brake, chairman of the Institute of Local Government, and Mr. John Huss, director of the Michigan Municipal League. Taking part in the discussions were: Governor G. Mennen Williams; State Treasurer D. Hale Brake; Secretary of State Fred M. Alger, Jr.; Attorney-General Stephen J. Roth; Auditor-General Murl K. Aten; State Controller Robert F. Steadman; State Supreme Court Justice John R. Dethmers; State Senators Harold D. Tripp, G. Elwood Bonine, and Colin L. Smith; State Representatives Robert M. Montgomery and Homer L. Bauer; Superintendent of Public Instruction Lee M. Thurston; State Health Commissioner Albert E. Heustis; Highway Commissioner Charles M. Ziegler; Pontiac City Manager George Bean; Mayor William V. Bailey of Battle Creek; and more than twenty other state and local government leaders. Included among participating academicians and laymen were: John Huss, director of the Michigan Municipal League; Professors Arthur W. Bromage, John A. Perkins, Robert S. Ford, Joseph E. Kallenbach, and John W. Lederle, of the University of Michigan; Professors Jay J. Sherman, M. M. Ramsey, and Charles W. Shull, of Wayne University; Professors D. C. Shilling and L. C. Kercher, of Western Michigan College; Professor Walter S. Ryder, of Central Michigan College; Professor A. Engelsman, Michigan State Normal College; and Professors LeRoy C. Ferguson, William H. Combs, Arthur D. Angel, and Alan P. Grimes, of Michigan State College. Professor Guy Fox, of Michigan State College, was chairman.

The department of politics at Princeton University is playing a major rôle in developing the graduate program of training for public service and business in the Woodrow Wilson School of Public and International Affairs. Three distinctive features are (1) joint seminars, (2) research seminars, and (3) summer internships. The joint seminars, which run throughout the year, are en-

titled "American Institutions and Issues of Public Policy," "Trends and Problems in International Relations," and "Problems in Political Economy." In each instance a staff of three or more faculty members coöperates in planning and conducting the seminar, which meets in a three-hour weekly session, and is limited to fifteen students. Professor Marver H. Bernstein has taken the lead in developing the seminar on "American Institutions," in collaboration with professors of history and economics. The "International Relations" seminar is conducted by Professor Harold Sprout in collaboration with a sociologist and an economist. Professor H. Hubert Wilson is the political science member of the team giving the seminar in "Political Economy." The research seminars are supported by a substantial grant from one of the Foundations, and each is conducted by a professor with paid research assistants, plus six to eight advanced students in the program. Research projects are carried on in close cooperation with government agencies and (or) business corporations, and each deals with a problem of public importance. The results will be published in a form designed to be useful both to teachers and to public officials and business men. During the current year, two of the seminars are offered, Professor Edgar S. Furniss, Jr., conducting one on a Latin American problem in United States foreign policy, and Professor George A. Graham, another on the rôle of the department in national administration. The third special feature of the program, the summer internships, has been under the direction of Professor Joseph E. McLean. Internships during the past summer included positions in the Departments of State, Treasury, and Agriculture, in other federal agencies, in New Jersey state government, with the *New York Times* and other newspapers, and with various business corporations.

The National School of Administration in France.* One of the many schemes willed to posterity by the Revolution of 1848 has finally been brought to fruition by the Fourth French Republic. The National School of Administration, established by the Second Republic's decree of March 9, 1848, only to be abolished by a law of August 9, 1849, was reëstablished approximately a century later by ordinance of October 9, 1945, issued by the Provisional Government of the Fourth French Republic.

This interesting experiment in teaching political science has caused profound changes in the principles and methods by which French civil servants are recruited. Before creation of the National School, civil servants destined for positions in the highest echelons of government service—administration of prefectures, diplomacy, etc.—were chosen on the basis of competitive examinations whose organization, conditions, and principles were established in isolation by each administrative unit. There was no agreement on the entrance requirements for public service. The diversity of the competitive examinations led to the rise of privileged groups within the service, a situation often de-

* Translated by Janet S. Seigel, Roosevelt College, Chicago.

nounced as anti-republican[1] in spirit. And while the French civil service has enjoyed an excellent reputation for its intellectual and cultural level, it has been criticized for certain archaic and retrograde features. The great number of competitive examinations prevented the democratization of the service by reserving it for privileged groups. Creation of the School has radically changed the social and political aspect of the recruitment of French public servants. Henceforth, studies at this School and no other are a necessary prerequisite for entrance into the upper echelons of the service.

The entrance examinations for the National School are planned primarily to determine the general culture and the intellectual and moral disposition of the candidate. He must have wide general knowledge, good and quick judgment; and he must be in good health.

The School gives two different sets of entrance examinations. One is open to those who have not as yet passed their twenty-sixth birthday, and who have been granted a diploma of master of laws or letters, or who have been graduated from certain professional schools. The other is given exclusively to persons already in the civil service, not beyond their thirty-first birthday, and in government service for at least five years. Eventually this latter category may include those who are not university graduates. Thus, any government worker, no matter what position he fills, is eligible for the examination; and if his intelligence and knowledge are sufficient to enable him to pass the examination, he will be appointed to the same type of position as a successful candidate in the other group who has been graduated from a university or professional school.

The advantage of the new system is the establishment of these two parallel competitions, which permit the nation to obtain the best public servants regardless of their social status. The School's theoretical education is combined with periods of internship. As early as the first year, the students are sent as interns to different posts outside of Paris or even metropolitan France. As a general rule, the students are placed in an atmosphere of administrative work which acquaints them with human realities either in the provinces, the colonies, North Africa, or even in foreign lands. From the beginning of his studies, the student is treated and paid like a regular government worker, and his studies at the National School are free. (The number of students admitted each year is determined by ministerial decree.) If, for some reason, the student does not wish to continue in government work after completing the course, he must reimburse the state for the funds which it has spent on him during the three-year period.

During the first year, the student becomes acquainted with his profession of civil servant: he becomes acquainted with the simplest problems in an administrator's daily routine, as well as the people with whom the administrator deals—the general public. This "weaning" period is designed to develop certain qualities in the student: energy, initiative, character, and even courage. The

[1] This phrase is the French equivalent and has the combined connotation of "un-American" and "undemocratic." (Translator's note.)

second year is devoted to studies in Paris: courses, lectures, research, etc. After the year of internship and the year of study, an examination allows those students who have obtained the highest marks to choose in which of the four divisions they wish to make their careers: general administration, economic and financial affairs, social affairs, and foreign affairs.

The third year is devoted to both studies and internship. The government recently granted the director of the School, M. H. Bourdeau de Fontenay, permission to send the students to spend three months of the third year working in private industry. The executive teaches his temporary student-assistant at first hand the cares, hopes, and the particular administrative problems of private industry. This completely novel experiment will give future government workers greater comprehension of the daily problems of commerce and industry. And finally the course of studies is rounded out by practical experience in government offices.[2]

Within the narrow limits of this article, it would be difficult to reproduce the long list of subjects taught at the School. In any case, the School's program of studies itself is not as important as the new spirit which directed its planning. In the report on the School presented in April, 1848, to the Second Republic's minister of public education, one finds the following sentence: "Until the present, of all the branches of education, there is none so neglected as the teaching of politics."[3] A century later, at Liberation in 1944, the problem of the teaching of political science was approximately at the same stage.

The social and political sciences had been divided in somewhat arbitrary fashion between the Faculties of Law and Letters. The science of economics was taught by the Faculty of Law, while political history, sociology, political philosophy, etc., were within the province of the Faculty of Letters. What is called *government* in the United States was part of the one-semester course in constitutional law required of all first-year students by the Faculty of Law. This course includes the general theory of the state, general principles of political science, a constitutional history of France as well as a *juridical* study of French institutions, and a comparison with relevant institutions in other countries. And all this in one semester.

The principal objection to the pre-1945 system was the Law Faculty's application of purely juridical methods to the study of political science. A graduate of the Law Faculty approached political life solely from a legal standpoint.[4] On the other hand, the student of the Faculty of Letters knew social or political history but, with rare exceptions, had no acquaintance with the constitutional and legislative mechanism of modern democracy. The only place where the social and political sciences were taught as parts of a whole was a private institution, the École Libre des Sciences Politiques.

[2] See Michel Debré, "Principes généraux de l'École Nationale d'Administration," in *L'École Nationale d'Administration* (Paris, 1947), pp. 13ff.

[3] Présidence du Gouvernement, *Réforme de la fonction publique* (Paris, 1945), p. 14.

[4] *Réforme de la fonction publique, op. cit.*, pp. 14ff.

Liberation brought the important reforms of which political science had long been in need. The École Libre des Sciences Politiques was nationalized and incorporated into the University of Paris as the Institute of Political Studies, and similar institutes were established at the provincial universities. Finally, the National School of Administration, which teaches the political and social sciences almost exclusively, not only concerns itself with legal and administrative attitudes, but places the political and social sciences in the general framework of modern civilization by building upon a realistic basis of philosophy and history. As the official report states: "The School must give the future civil servants a feeling of the State . . . a feeling for the man. . . ."[5]

A final word about the men who direct the School. The Administrative Council is headed by Professor René Cassin, a distinguished scholar and president of the State Council, and includes such scholars and administrators as Jules Basdevant, professor of public international law at the Faculty of Law of the University of Paris; Robert Bothereau, secretary of the C.G.T.; René Brouillet, reference councilor of the Court of Accounts and general secretary of the Tunisian Government; Michel Debré, honorary commissioner of the Republic and Master of Requests of the State Council; Adrien Bollaert, former high commissioner of Indo-China; Étienne Dennery, minister plenipotentiary and director of the American Section of the Ministry of Foreign Affairs; Jean Déthieux, general director of JOB Corporation; Roger Grégoire, Master of Requests of the State Council and director of Civil Service; Jean-Marcel Jeanneney, professor of political economy and dean of the Faculty of Law at Grenoble; Pierre Lebon, delegate to the Provisional Consultative Assembly; Jean Lepage, civil administrator at the Bank of Deposits; Lucien Luguern, civil administrator to the Minister of Agriculture; Pierre Renouvin, professor of contemporary history at the Faculty of Letters in Paris; Paul Reuter, professor of colonial law at the Faculty of Law at Aix-en-Provence; Roger Seydoux, administrator of the National Foundation of Political Science; André Siegfried, president of the Administrative Council of the National Foundation of Political Science; and Henri Wallon, professor at the Collège de France.

The direction of the National School of Administration is headed by M. H. Bordeau de Fontenay, jurist, member of the Paris bar before the war, an active fighter in the Resistance, whose experience as commissioner of the Republic in Normandy after Liberation makes him familiar with administrative duties and whose great culture is enriched by a true sense of political and practical realities. M. Bertrand, professor in the Faculty of Law, has assumed the functions of Director of Studies; it is he who oversees the educational administration. M. Racine, Master of Requests for the State Council, directs the administration of internships; and M. Pestourie is general secretary of the School. It is not possible to list here the persons who teach at the School, and who are appointed

[5] *Ibid.*, pp. 24–25. Having taught a short course on the political and social freedoms of modern democracy at the School in the spring of 1948, the writer can testify to the high level of juridical, historical, and philosophical knowledge of the student body.

each year by the president of the Council of Ministers (premier). Scholars and practitioners, men of research or of political and administrative activity, they have greatly contributed to the success of this experiment in the creation of administrative levels for a modern democracy.

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BOOK REVIEWS AND NOTICES

TVA and the Grass Roots; A Study in the Sociology of Formal Organization. By PHILIP SELZNICK. (Berkeley and Los Angeles: University of California Press. 1949. Pp. ix, 274. $3.75.)

Philip Selznick is a sociologist with a strong interest in the development of a theory of organization. This volume on the TVA and its agricultural program is the third formulation in his search for a satisfactory statement of organizational theory. The first appeared as "An Approach to a Theory of Bureaucracy," in the *American Sociological Review* of February, 1943; the second, in the February, 1948, issue of that journal under the title "Foundations of the Theory of Organization." Selznick has some important insights about organization, and in his TVA study especially he states them forcefully and significantly, whether his controversial conclusions about the TVA itself stand or fall.

Selznick's main concepts of organization may be briefly paraphrased in language reasonably close to his own. Formal organization is the structural expression of rational action. But formal structures never succeed in conquering the non-rational dimensions of organizational behavior. These non-rational dimensions are the product of two forces: formal organizations are composed of individuals who react as *wholes*, not simply in terms of their formal rôles within the organization; the organization and its members separately are subject to the pressures of a larger social environment. In consequence, a formal organization should be viewed as being not only an *economy* but also as being, at the same time, an *adaptive social structure*. All formal organizations, then, are molded by forces tangential to their rationally ordered structures and stated goals. One important form of adaptive response to these tangential forces may be described as coöptation, a term which means the process of absorbing new elements into the leadership structure of the organization as a means of survival. Coöptation has its costs: it involves commitment to personnel or institutions or procedures—that is to tools of action—which are, in great or small degree, recalcitrant. The commitment may result in sharing responsibility for power rather than power itself (*formal coöptation*), or it may involve actual sharing of power (*informal coöptation*). In either event, this adaptive response is consequential for the subsequent character and rôle of the organization.

These concepts provide the frame of reference for Selznick's appraisal of the TVA. His analysis is intensive, being confined to an examination of the Authority's agricultural program, which he regards as the outstanding example of TVA's efforts to execute its programs under the guiding principle of grass-roots administration. His argument may be condensed into the following main contentions: TVA's grass-roots policy as doctrine and as action must be understood as related to the need of the organization to come to terms with certain local and national interests, and this adaptation forced commitments upon TVA which greatly restricted its subsequent freedom in policy and in action. Concretely, Selznick asserts that, if it were to conduct its electric power program successfully against powerful local and national opposition, the TVA

needed to protect its rear and its flanks by accommodating its agricultural program to the most influential existing local and national institutions in agriculture.

This involved TVA in a partnership with the land-grant colleges of the Valley states, with their farm extension services, with the Farm Bureau Federation, and with those parts of the Department of Agriculture most intimately linked with the land-grant colleges. This commitment, he maintains, has meant the dependence of TVA upon an organized administrative constituency in agriculture, a dependence which has doomed such programs as were not acceptable to the land-grant college group. The commitment has required, he continues, a de-emphasis on self-help coöperatives, subsistence homesteads, rural zoning, and broad regional planning; it has restricted the TVA fertilizer program to an experimental one; it has greatly molded the Authority's policies on farm tenancy, and on the special problems of Negro farmers (the Negro agricultural colleges have had no place in the TVA fertilizer program); it has led the TVA into a series of conflicts with other agencies of the federal government (Farm Security Administration, Soil Conservation Service, Forest Service, Department of Interior) whose programs were not congenial to the extension service; in general, he believes, the commitment has served to support the monopoly of the existing agricultural leadership in the Valley, and to minimize the potential of more direct and more broadly based participation by the citizens through new institutions. These commitments, he relates, have been developed and managed mainly by an administrative unit within the Authority—the Agricultural Relations Department, the staff of which was recruited largely from the extension service and is its institutional representative. In conclusion, Selznick finds that the official grass-roots doctrine of the TVA has become, in one of its significant aspects, a protective ideology providing a cover for the fact that one of its major programs has been delegated to an administrative constituency; that this delegation of power and responsibility to an influential outside group has involved the TVA in a series of factional alignments tangential to its rôle within the federal government; and that TVA policies in agriculture have been inconsistent in substantial ways with its doctrinal promise.

These findings are clearly of highly controversial aspect. Selznick recognizes two sources of possible error in his study. The risk of factual error, he points out, flows from the nature of the research undertaken, requiring dependence upon interviews, upon working papers, and upon the knowledge acquired by participation of the author in the institution being studied. The greater hazard, he believes, lies in commitment to a particular theory of organization. He has taken, it is apparent, more than the ordinary precautions against both risks. But he has not escaped a marked tendency to force complex and recalcitrant factual situations into the frame of his organizational theory, accomplished occasionally by over-dramatization, with consequent distortions both of fact and theory. These distortions most frequently result from omissions about the factual situation, as, for example, the failure to provide an examination in detail of the available alternatives confronting the TVA. The sum of these

distortions, when added to the emphasis on tensions and dilemmas required by Selznick's concepts of organization and his accompanying method of inquiry, produces a much more pessimistic judgment of TVA than informed observers will be willing to accept. He is not unaware of his own dilemma in this respect; he repeatedly warns that he is not appraising the whole meaning of TVA, but is examining a single program (the agricultural) within a particular conceptual system concerning the sociology of formal organizations. Further, he declares, "it is just because the TVA stands as something of a shining example of incorruptibility in such major matters as non-capitulation to local political interests in the hiring of personnel or to local utility interests in public power policy that the evidence of covert coöptation in the agricultural program attains its general significance."

Selznick has added an important chapter to the development of a theory of organization (a chapter worthy of the company of Chester Barnard, Talcott Parsons, Robert Lynd, with whose concepts it is congenial). But he has not produced that measured appraisal of TVA which still eludes the social sciences. He can properly demur that this latter was never his objective; his intention was, instead, to submit his premises about organizational behavior to the test of a controversial and complex, rather than a self-serving, environment. Although theory and author emerge from this trial run with some scars on the theory and some traumatic reporting by the author, Selznick's concepts and methodology provide significant patterns for many useful additional studies in administration.

WALLACE S. SAYRE.

Cornell University.

Business and Government. By MARSHALL EDWARD DIMOCK. (New York: Henry Holt and Company. 1949. Pp. xv, 840. $4.75.)

The growing interest in business and government subjects is reflected in the appearance of this new work. Development in the field has come a long way since the publication of Swenson's *National Government and Business* in 1924 and Requa's *Relation of Government to Industry* in 1925. From the standpoint of diversity of problems covered, the earliest broad work in the field was probably Crecraft's *Government and Business*, which appeared in 1928. This volume went beyond the federal and judicial aspects stressed by Swenson, and at the same time avoided the essay treatment accorded by Requa. In 1930, Keezer and May brought out their *Public Control of Business*, and at least six additional general texts were published during the next ten years. Hall's *Government and Business* first appeared in 1934, with a revised edition in 1939. Rohlfing, Carter, West, and Hervey also brought out their first edition of *Business and Government* in 1934, and their fifth edition in 1949. The second edition of John Clark's *Social Control of Business* was published in 1939 and remained one of the widely used general texts on the subject. In the same year, Dykstra and Dysktra stressed constitutional and legal aspects of the field in their *Textbook on Business and Government*. Two outstanding works appeared in 1941, Koontz emphasizing

public utility phases of the subject in his *Government Control of Business*, and Fainsod and Gordon contributing historical and analytical approaches in their *Government and the American Economy*. Dimock's book completes a list of eleven works over a period of twenty-five years, and is undoubtedly one of the most useful and comprehensive treatments of the subject.

Perhaps other works should have been included in the foregoing list, but if such is the case their omission was unintentional and they did not come to the attention of this reviewer. Today, the field of business and government claims the interest of a large numer of political scientists, and nearly 400 members of the profession cited business and government among their major fields of interest in the 1948 *Directory* published by the American Political Science Association.

Professor Dimock's chief contribution lies in his presentation of an integrated approach to political science, economics, and other social sciences. Certainly he has carried the merger of these fields further than previous authors. Since solutions to pressing political, economic, and social problems increasingly require the merger of these disciplines, his treatment properly stresses the diversity and complexity of critical issues, and at the same time carries forward the effort of social scientists to implement their analysis. In doing so, Dimock has utilized the historical, analytical, and comparative methods, and has included leading judicial decisions and other case materials, to lend concrete applications.

Recognizing that the business-government relationship "is the point at which economics and political science converge," Dimock states that the study of this field" is a study of public policy and of how the two most powerful and influential institutions in modern society meet on common ground to coöperate or to compete." He views the relation between these institutions "as dynamic and determinative of the basic welfare of society." These premises illustrate the strong underlying philosophy as well as the high quality of expression maintained throughout the book.

The arrangement of the book employs a nine-fold classification of topics as follows: (1) "Limits of State Intervention," including chapters on the free enterprise system, pressure groups, and relations with other countries, (2) "Recurring Depressions," with chapters on inflation and depression, and on the counter-depression policies of the New Deal, (3) "Labor", containing three chapters, (4) "Agriculture," two chapters, (5) "Monopoly and Free Enterprise," dealing with antitrust and trade regulation, three chapters, (6) "Public Utilities," transportation and communication, three chapters, (7) "Financial Controls," including treasury, banking and insurance, and stock market regulation, three chapters, (8) "Government Ownership," in natural resources and utilities, two chapters, (9) "Competitive Forces," dealing with economic planning, coöperatives, and industrial mobilization for war, four chapters. The concluding chapter places thoughtful emphasis upon basic conflicts between the public's insistence upon regulation and its demand for administrative efficiency in government.

Students, teachers, and others interested in the subject will welcome Marshall

Dimock's contribution. It is a work of exceptional merit by a keen analyst of national problems.

EDWARD W. CARTER.

University of Pennsylvania.

Policy and Administration. BY PAUL H. APPLEBY. (University, Alabama: University of Alabama Press. 1949. Pp. xii, 174. $2.50.)

Dean Appleby's book had its origins in a series of lectures given at the University of Alabama. His central theme is that "public administration is policy-making. But it is not autonomous, exclusive, or isolated policy-making." The theory that public administration is policy-making is opposed to a theory that policy is made by the legislature. The theory that policy-making in public administration "is not autonomous, exclusive, or isolated" is opposed to a theory that is perhaps more widely held today than at any time since monarchical prerogative began to be invaded by cabinet responsibility and judicial review, a theory of "leadership" necessitated by the conditions of interdependence, urban concentration, and international anarchy for which expert and immediate action is employed. How does Dean Appleby go about his task of establishing the case for his theory and its usefulness against such rivals? In part, by a deceivingly simple process of description and analysis—an "attempt . . . to sketch something like a full-dimensional picture"—with the "purpose . . . to assert that government, particularly executive government, generally resembles this picture." In the course of "describing" and "sketching," the author has here, in continuance of and supplement to his earlier *Big Democracy*, given us a fresh way of looking at government that is profoundly important both to the scholar and to the layman.

The book is among those relatively recent interpretive writings in public administration that provide a growing reappraisal of our general ideas not only of administration but of all government. Such reappraisals have become possible because of the products of a half-century of description of American experience and the first-hand observation from participation in government of an increasing number of men and women capable of recording and thinking about their experience in administration. This practical participation and the practices of "governmental research" have been deplored. They were viewed, in part, as a turning away from approaches to the study of government through history, law, and philosophy. But certainly the ablest of the participants are bringing back not only an administrative view of government justified in its own right, but one which can enrich the older approaches, as is illustrated by Leonard White's work in administrative history and this book of Appleby with its treatment, for example, of "administrative power."

He begins with the historical theory of the separation of powers and in his first chapter uses it is a base for redefining government in the intermingling of policy-making and execution throughout all levels. In a sense, the rest of the book is the application of this fact—not, says the author, that the mingling is new, but that it has become more visible. "'Administration' is here treated,

therefore, as a broad term involving policy-making as well as execution . . . 'Management' involves the same intermingling of policy-making and execution, but it is here assigned arbitrarily to a lower level . . . but all these levels are subordinate to the popular-electoral level."

With this concept as his criterion, Appleby suggests that the American governmental system operates through "eight distinct processes . . . they provide us with a way of looking at government" (presidential nominating, general nominating, electoral, legislative, judicial, party maintenance and operation, agitational, administrative or executive). "It is a principal function of public administration to reconcile and to mesh the functions of politicians and the functions of experts in the service of society." Then follows a discussion of the predominent place of politics (with a distinction between "political" and "partisan"), the consequent basic importance of the form of government ("structure, hierarchy, and coördination") whereby the "intermingling" and "meshing" may best be achieved, and a most even-tempered and penetrating consideration of "administrative power." Some consequences of the rôle of policy-making in administration are presented in the chapter on "liberal and conservative administrative shifts," with apt illustration.

The book closes with a chapter on "the influence of the citizen" in which the democratic philosophy which has characterized the earlier analysis is brought to focus on this "central concern of any general consideration of government." "Citizens vote, then, by adding their names and energies to membership rolls. They vote by swelling, or failing to swell, the circulations of particular newspapers or periodicals. They vote by contributing to the popularity of particular radio or newspaper commentators. They vote by writing letters to the editor. They vote much more potently than they know when they write or talk to members of legislative bodies and to administrative officials. They vote as they express themselves in labor unions, farm organizations, business and professional bodies. They vote in every contribution they make to the climate of opinion in a thoroughly political society."

Thus the author has modified the theory of the separation of powers into one of a flow of processes, on the one hand. But he does not, therefore, swing over to a "managerial state," or a "pressure politics" state, or a "leadership" state on the other. He reminds us of what we have—a peculiarly American complex marked by extraordinarily wide, varied, democratic participation; that politics and administration and participation should all be viewed as normal, desirable, as well as necessary. On so many questions provocative of much wrath, he has sober, good-tempered, informed, wise observations; some of the comment is in fact so apparently obvious that only later does the reader come to see that a fresh way of looking at what has been taken for granted or utterly rejected has been made to give forth new ways of looking at things that help one to understand the changing world. The book will make an excellent central theme for a graduate seminar, an in-service training course, a civic discussion group; a valuable ally in general courses in government. Its teachings will modify ideas of public administration and of government generally.

JOHN M. GAUS.

Harvard University.

Federal Employees in War and Peace; Selection, Placement, and Removal. By Frances T. Cahn. (Washington, D. C.: The Brookings Institution. 1949. Pp. xiii, 253. $3.50.)

The time is ripe for a further evaluation of federal personnel administration during the war years. Did the war subject it to stresses that have now been lifted without permanent damage, or to a kind of radiation that leaves lingering effects and strange mutations? This book contributes to the answer. It does not purport to be a complete answer. As the sub-title states, the scope is limited to the largely procedural aspects.

The approach is descriptive and quantitative. The book, which will be useful chiefly as a ready reference and an almanac of personnel data, opens with "Numerical Changes in Federal Employment, 1939–1948," and closes with five chapters of detailed analysis of a questionnaire returned by 730 employees in grades P-4, CAF-11, and above. College readers may be shocked to learn, for instance, that of 1,647,922 placements made by the Civil Service Commission between January 1 and August 31, 1943, 99.74 per cent "were not required to have any college training of any sort" (p. 68). Discouragement is premature, however. Of the 730 upper-bracket men who filled out the questionnaire, 40 per cent possessed at least the equivalent of the master's degree and 14 per cent had Ph.D.'s.

The title, *Federal Employees in War and Peace*, raises hope for more than this book professes to be. The author herself runs into that problem when she quizzes the upper administrators on what they think about the federal government as an employer. They answer—at least 40 per cent of them by her own figures—in terms of broader issues and policies than those treated in the book. They take into account congressional and budgetary hazards, morale factors, and the "climate of administration." It will inevitably be said that the all-important human element in personnel administration suffers from inattention in this survey. The usually cautious interpretation of data gives way to bolder criticism of veterans' preference and the examination system. Sometimes, however, caution and statistics mix with unfortunate results, such as this: "In all, 1,853 [reasons for changing positions] were presented. In the main, these fall into two major categories: voluntary and involuntary" (p. 206).

While not uncritical of the Civil Service Commission, the author thinks that agency retreated discreetly in wartime in order to keep control and to advance again in peacetime. She thinks the trial by ordeal vindicated the Commission and the merit system, which became merely a euphemistic term in crisis recruitment, if not in postwar layoffs. Gains of war were few. Among them were the publication of class specifications, less emphasis on specialization in examinations at upper levels, and decentralization for recruitment and examinations. For further improvement, the author proposes empowering the Civil Service Commission "to require that jobs in the field be allocated according to standards set by the Personnel Classification Division," raising salary ceilings to $15,000, allocating professional and technical positions without regard to supervisory responsibilities, clarifying the distinction between P and CAF services or merging them, using selective certification more frequently for upper-level positions, and inaugurating competitive promotional examinations. The author

apparently has no zeal for reform at the top, such as advocated by many personnel officers in the operating agencies, who will be glad to hear that "the Civil Service Commission is confident that it has devised a practicable means of correlating quantity and quality and found a formula for expressing the quantity of a quality and the quality of a quantity" (p. 89).

ELDON L. JOHNSON.

University of Oregon.

The Presidency in Transition. EDITED BY ROBERT S. RANKIN. (Gainesville, Fla.: Kallman Publishing Company. 1949. Pp. 256. $2.00.)

This volume is a reprint of twelve articles, together with an introductory statement by the editor, which appeared in the February, 1949, issue of the *Journal of Politics*. They cover a wide range and constitute a fairly complete survey of current major problems and issues relating to the presidency. Following a brief introductory review of the evolution of the office by Professor Corwin, there are essays on particular topics by twelve other authors, dealing with presidential selection; succession in event of disability; the President's rôle in party politics; his relations with Congress; recent Supreme Court rulings bearing on presidential powers; his emergency powers; his powers and functions in connection with labor disputes, foreign relations, and military affairs; and his position as head of the national administration.

As might be expected, the symposium method employed displays both the strengths and the weaknesses of this type of approach. While emphasis is given in most of the essays to critical review and evaluation of recent developments and trends, this is not attempted in all cases. There is consequently a certain unevenness in depth from article to article. Duplication of treatment, perhaps unavoidable because of the overlapping of topics dealt with, occurs at a number of points. However, the symposium method of treatment affords opportunity for presentation of varying viewpoints and interpretations. The presidency, which has become the center of a great complex of problems, can perhaps be most profitably and successfully studied through specialized treatment of its various facets, as is done here.

The common note sounded is, of course, the growth of presidential power, influence, and responsibility under the impact of war, economic crisis, and expanded national governmental functions. This concentration of power in one man's hands arouses varying degrees of apprehension, if one may judge by the attention given to consideration of safeguards which should be provided against its misuse. Some of the authors might not concur in Professor Laski's observation that in the future "the test of the American system will depend on its power to produce great Presidents"; but none would question the conclusions reached in other articles concerning the need for modernization and further democratization of the mode of nomination and election, and for clarification of the rules governing succession in the event of presidential disability.

Beyond this, there is no clearly discernible unity of opinion regarding what should be done if we are to thread our way successfully between the dangers of

executive despotism and bureaucratic irresponsibility on the one hand and of government by a fumbling, indecisive, interest-ridden Congress on the other. Professor Corwin reiterates his opinion that presidential power has become dangerously personalized and that a closer tie should be established between the President and Congress through a reconstructed cabinet which would include some of the top congressional leaders. Professor Binkley leans to a similar view, although perhaps for a different reason. On the other hand, Professor Helms considers that there is little likelihood of adoption of institutional changes of this nature and thinks that measures designed to strengthen the position of the President as the figure through whom responsible party government can be achieved hold more promise. Professor Laski likewise sees little hope of success in proposals to associate congressional leaders more closely with the President in the management of foreign relations through a "foreign affairs" cabinet. He would place his trust rather in improvement of the personnel of the executive branch, which must in increasing measure make the initial major policy decisions in this field.

This collection of articles is a useful addition to the rapidly expanding body of literature on what many believe has come to be the central problem in our system of government. It can be studied with much profit.

JOSEPH E. KALLENBACH.

University of Michigan.

Mr. Justice Black; The Man and His Opinions. By JOHN P. FRANK. (New York: Alfred A. Knopf. 1949. Pp. xix, 357. $4.00.)

Charles A. Beard wrote the introduction for this somewhat novel study, which is intended for use primarily as supplementary reading by students venturing through a case-study course in constitutional law. More than one-third of the book is a general biographical sketch of Mr. Justice Black, and the remainder comprises a collection of some fifty opinions written by the learned justice during the first ten years of his membership on the federal Supreme Court. Readers may thus become acquainted with some of the highlights of Justice Black's early career as lawyer and legislator which contributed to the development of his intellectual character and find reflection in his interpretations of constitutional provisions.

The author, who once served as a law clerk for Justice Black, has presented the biographical data in an interesting and readable account which begins with Black's childhood in Clay county, Alabama, describes his formal schooling, his early exposure to Populist politics, and his experiences as a practicing lawyer. One chapter presents Black's record as a champion of liberal social legislation in the United States Senate. Others deal with the circumstances of his appointment to the Supreme Court and the Black-Jackson feud. The author also gives his own summary evaluation of Black's opinions, and his personal impressions of Black as a man and as a judge.

Nearly half of the selected opinions are those in which Black dissented from the majority of the Court. In general, they deal with the extent of federal and

state powers and with some of the problems of regulation and control of the economy, and with civil rights, particularly free speech, press, and religion, and fair trial. Black believes in broad construction of the commerce power, and rejects the view that the due process clause should be used by the courts to determine the "reasonableness" of regulation, the latter being a matter for the legislature to decide. Black has bitterly opposed monopolistic practices in business, and has supported strong enforcement of federal labor legislation. He holds that "the Fourteenth Amendment makes the entire Bill of Rights a limitation on the states as well as the federal government" (p. 119), whereas the present majority has taken the view that only the guarantees of the First Amendment restrict the states.

This volume will be helpful to students and teachers of constitutional law, and to others who would gain a fuller appreciation of the Court's rôle in promoting a proper balance between public power and private rights in a social welfare state.

ALDEN L. POWELL.

Louisiana State University.

Metropolitan County; A Survey of Government in the Birmingham Area. By WELDON COOPER. (University, Alabama: Bureau of Public Administration. 1949. Pp. viii, 165.)

This interesting, well written, and handsomely printed report incorporates material gathered for a legislative advisory commission authorized in 1945 by the legislature of Alabama to study and report on certain questions regarding local government in Jefferson county. The author was director of research for the commission. Four major divisions of the report describe the financial structure and administration of Jefferson county, Birmingham, and the surrounding municipalities, the principal activities of those areas and the few special areas which exist, the public school system, and the special arrangements for county administration which have developed in the so-called Bessemer division; and a fifth division sums up the possible solutions for the existing Jefferson county problem. From the very considerable mass of information assembled, certain particularly interesting details may be cited for attention.

The past history of the Birmingham area and of Jefferson county indicates that the people of the area have a rather creditable record for adaptation of the local administrative structure to the growth of the section. Adjustments have, of course, been made in a rather piecemeal fashion. They reflect the acceptance of the county as an important element in local administration. A notable example of this is the public health program, which since its establishment in 1917 on a county-wide basis, has little by little dropped all distinctions between urban and rural communities. The study does not, in general, attempt to say whether county residents are being subsidized by urban taxpayers, but there are suggestions of this in the arrangements for library service and recreation. Coördinated physical planning has lagged. Important as it is as a governmental unit, the structure of county government in Jefferson county is unsatisfactory,

for the hand of the agrarian past holds on tenaciously. In Birmingham itself, coördination is complicated in at least one field, that of recreation, by the single-mindedness of recreation personnel, who tend to regard their program as a thing apart—a tendency which the reviewer feels is likely to accompany recreation programs elsewhere. Professional groups often disclose this sort of mixed evangelism and naïveté.

The area's merit system is unusual; students of personnel administration would do well to examine it closely. Although certain features of its organization will be unsettling to the now numerous advocates of executive management, they will find some comfort in the history of the system; the personnel board has lost some of its powers since 1935. The author considers the system one of the "bright spots" in Jefferson county.

The report proposes a city-county government; and details of the proposal are realistic. Nevertheless, Roscoe Martin's introduction indicates that initial steps to adopt the proposal failed. If the Bureau of Public Administration of Alabama can find a way to publish an analysis of the forces which retard governmental rationalization in this area, it will bring back another scalp to the wigwam.

LEE S. GREENE.

University of Tennessee.

The Legislative Process in Alabama. By HALLIE FARMER. (University, Alabama: Bureau of Public Administration. 1949. Pp. x, 353.)

When one considers the fundamental importance of representative legislative bodies in the scheme of American government, it is singularly strange that writers have paid, on the whole, so little attention to them. Their efficient operation is essential, not only to the preservation of elected representative government, but to the continuance of the states, which in turn are essential to the maintenance of a strong federalism. It is reassuring, therefore, that some attention has recently been given to the Congress and is now being given to the state legislatures.

This volume, representing as it does the product of several years of intensive study of the legislative institutions of a single state, is particularly welcome, for it is notably well done. It is an example of a type of study which should be made in many states; while there are numerous articles dealing with different phases of the legislative process in the states, there is only one other comparable treatise known to this reviewer—that by former Governor Young of California. Professor Farmer's volume covers in a comprehensive manner all important aspects of legislative organization and procedure in the state. Some of the chapters, in an earlier form, have been previously published. Tabular matter has, for the most part, been confined to the appendix; and there is a reasonably adequate index.

For those who complacently assume that institutional changes are constantly taking place, more or less automatically, in response to pressures arising from changing social, political, and economic conditions, this volume should come

as a rude awakening. The various aspects of the legislative process in Alabama are dealt with, item by item, carefully, painstakingly, systematically, and invariably with the same result. The situation is found to be substantially the same as it was forty, fifty, or even more years ago. It is not that the author sets out deliberately to labor this point; so far as the reader can observe, this was not the case. Yet this is the strongest single impression the study creates.

This impression of the backwardness of legislative institutions in this country, supported by specific evidence relating to Alabama, tends to confirm one's impressions of the legislatures of other states. If this judgment be accurate—and on the basis of accumulated evidence from many quarters, it appears to be—it is of very great significance. It means that, in a day when serious questions are being raised in many quarters as to whether democratic institutions are capable of adjusting themselves to meet present-day needs, the American legislatures have not been doing so. This is not to say that they cannot adjust themselves—simply that they have not done so.

It means further that there is placed upon those who believe that representative institutions can and should justify themselves in the light of current needs a tremendous burden of responsibility for education, both of the public and of the legislators themselves. This study demonstrates the existence of the need, which is present and urgent. Tomorrow could be too late. One can scarcely escape the paradox which the American people present. At intervals they give freely of their resources and even offer their lives in defense of democracy in far-off lands, but during the intervals between wars are too busy or too indifferent to worry about strengthening democracy—or even preserving it—at home.

W. Brooke Graves.

Legislative Reference Service, Library of Congress.

Americans Betrayed; Politics and the Japanese Evacuation. By Morton Grodzins. (Chicago: University of Chicago Press. 1949. Pp. xvii, 445. $5.00.)

In spite of its title, *Americans Betrayed* is a dispassionate, scholarly study of the making of the wartime decision in early 1942 to evacuate the Japanese Americans from the West Coast. In examining the forces that influenced this decision, the procedures by which it was arrived at, and the agencies that helped make it, Professor Grodzins' essential purpose is to describe how a major public policy took shape. The actual administration of the evacuation program lies outside the scope of the book. In view of the scanty character of existing literature dealing with policy formation, the impressive way in which the author details the steps which led to the making of the evacuation policy, and the persuasive character of his conclusions concerning the wisdom of this policy, make his book a most valuable one.

The volume is organized in a precise manner. The six chapters of Part I supply a detailed account of the regional pressures for evacuation which took shape on the West Coast in January and February, 1942. The five chapters of Part II then describe the actual formation of public policy at the national level.

Three of these chapters are concerned with the rôles played by the Justice and War Departments and the White House in the making of the original administrative decision in favor of evacuation. Single chapters then describe the sanctioning of this administrative decision by Congress and the Supreme Court, respectively.

It is Grodzins' thesis that the evacuation policy, if not "America's worst wartime mistake," was a tragic decision, unnecessary to the successful prosecution of the war, ineptly made by governmental agencies, and reflecting an unsatisfactory balancing of local pressures with national interests—a decision that "betrayed all Americans." "At no time in the entire process of decision-making was evacuation as a measure of national defense balanced against the facts available with respect to resident Japanese, against alternative methods of control, or against the implications for democracy in the incarceration of a racial group. The negation of political rationality marked each step in the process by which evacuation became public policy" (p. 373).

First responsibility for the decision is placed with the regional pressure groups on the West Coast, including state and local public officials and the congressional delegations from the three Pacific states. Thereafter, the Army (including the War Department), Congress, and the Supreme Court are held responsible, in that order.

The author's evidence in support of his conclusions is extensive and persuasive. Doubtless defenders of evacuation will argue that the force of military necessity was a stronger, more valid one than is here suggested. But Grodzins has gone to all the available records, he has interviewed the major participants in the decision, and his conclusion that there were no military considerations in support of evacuation which should have been permitted to override our traditional concepts of fairness, humaneness, and civil liberty, is impressive.

A minor adverse word may be spoken concerning the book's style. Mr. Grodzins has an annoying habit of introducing his chapters with a preview of what is to come, of proceeding to the substance of his presentation, and of then summarizing what he has just said—which makes for clarity but much repetition. Moreover, the author quotes at length from his own raw field notes and includes some of his most valuable data in two appendices which will probably go unread by most persons using the book. These deficiencies of style are unfortunate, for a more readable book would attract the wide audience that the study deserves.

As it is, *Americans Betrayed* should greatly interest political scientists. It contains a definitive account of the making of an important policy affecting civil rights during World War II, and it analyzes the process of national policy formation in a way which may well serve as a model for future studies of this type.

ROBERT K. CARR.

Dartmouth College.

The United States and Foreign Investment Problems. By CLEONA LEWIS. (Washington, D. C.: The Brookings Institution. 1949. Pp. xviii, 359. $3.00.)

Foreign Economic Policy for the United States. EDITED BY SEYMOUR E. HARRIS. (Cambridge, Mass.: Harvard University Press. 1948. Pp. xiii, 490. $6.00.)

The two books under review were published in the fall of 1948, but their interest is likely to be even greater in 1950 than it was in the preceding years. They are somewhat complementary in scope, very different in usefulness and what one might call definitiveness. Miss Lewis has given us a book informative, thorough, and indeed indispensable to anyone concerned with the foreign economic relations of the United States. In connection with the implementation of the "Point Four Program" of President Truman's inaugural address, this is going to be the most useful single volume to have on one's desk and to consult again and again. It is to be hoped that Miss Lewis will keep the book up to date, and that the Brookings Institution will add to the debt of gratitude we owe it by bringing out such revisions every two or three years.

The United States and Foreign Investment Problems falls into three main parts dealing respectively with "Debtor-Creditor Status of Nations," "Developmental Capital Abroad: Opportunities and Problems," and "The United States Government in Relation to Foreign Investments." It is the third part which deals with matters of vital and current interest. The discussion, solidly based on the contents of the first two sections, gives very helpful insights into the activities of the United States government as lender to the world. The chapter relating to the Marshall Plan is, of course, in need of being brought up to date, but that is no blemish on the comprehensive and detailed subject-matter of Miss Lewis' study. While dealing essentially with governmental investments and policies, she devotes much attention to the problems of private investments. She is right in her belief that the future of private investment will greatly depend upon the success of the United States government in obtaining from foreign governments commitments assuring fair and equitable treatment for American investors in foreign countries. This reviewer read with particular interest and complete approval the discussion (in Chapter XII) of a Code of Fair Practices and of the provisions on foreign investments in the Havana Charter for an International Trade Organization. The respective provisions of the latter, in Miss Lewis' estimation, "fall far short of assuring capital that it will receive equality of treatment while operating abroad, and that in case of nationalization it will receive fair compensation freely transferable. That is, they fall far short of meeting the minimum terms on which private foreign capital is likely to risk investment in enterprises promoting the 'economic development and reconstruction of foreign countries.'" Which means that all remains to be done in that field.

In these future developments, increasing emphasis will very likely come to be attached to a Code of Fair Practices. Since Miss Lewis' book was published, the International Chamber of Commerce published its draft of such a code, the result of several years of international consultations; and it is interesting to note that the contents of that documant are very closely approximated by the terms of the Italo-American Treaty of Friendship, Commerce, and Navigation published since the release of the I.C.C. proposal.

The symposium on *Foreign Economic Policy for the United States* edited by Professor Seymour E. Harris is, by contrast, a far less satisfactory book. Really successful symposia are few, and the one under review belongs to the other, far more numerous, category. It is not enough to get together a number of men, each highly competent in his own right, in order to obtain a unity of vision and a meeting of minds. The present book is refreshing in that it does not even strive for a unity of purpose among its contributors, while the editor vigorously attacks one of the contributors, Professor Gottfried Haberler, in the introductory chapter. As it happens, the chapter contributed by Professor Haberler on the subject "Dollar Shortage?" is, in the opinion of this reviewer, not only the most valuable of the entire book, but one of the most important contributions to the growing literature on this vital problem. Indeed, it is to be hoped that Professor Haberler will develop this essay further, and that it will be published in such a manner as to obtain for it a far wider circle of readers than those attracted by a voluminous and discursive symposium. May the present review help, in the meanwhile, to attract attention to this lucid, forcefully reasoned, and eminently sane discussion of one of the most important and most widely misunderstood current economic issues! This chapter is indeed *political economy* at its best.

The same compliment, alas, this reviewer cannot pay to the symposium's editor. Professor Harris' leanings to state economic planning and his impatience with liberal economic "orthodoxy" make him take easy flight into purely verbal pronouncements and facile (and inaccurate) generalizations, and lead him to policy recommendations which are, to say the least, peculiar, such as acceptance as the objective (*sic*) of American policy of "reducing our competitive position." "Unless the competitive position of the United States deteriorates, and the ratio of its imports relative to exports increases, the prospect is either a growth of economic nationalism abroad or a permanent ERP." Apparently the United States is the villain of the piece and it is up to *us* to worsen our economic efficiency, not to others to improve theirs! The dollar shortage is also essentially our fault—Haberler gets vigorously attacked for holding the opposite view in his above-mentioned chapter—and "if the source of [international] disequilibrium is a shortage of dollars . . . what is then required is not a reduction of tariffs in this country and similar concessions abroad, but rather a rise of tariffs abroad and a reduction here, or at least a relative rise of obstacles abroad." Here we have questionable economic thinking leading to unquestionably absurd policy recommendations.

Lack of space forbids comments on other contributions to this volume. The book falls into five parts and twenty-five chapters. Its sections deal, respectively, with: "Policy and Administration"; "Individual Country and Area Studies"; "International Economic Coöperation" (International Monetary Fund, International Bank, General Agreements on Tariffs and Trade, the I.T.O.); "The European Recovery Program"; and "Problems of International Equilibrium." Among the distinguished contributors should be mentioned Camille Gutt, Professor Allan G. B. Fisher, Winthrop G. Brown, Professors Harry C. Hawkins, Edward S. Mason, J. K. Galbraith, etc. Their individual essays

provide much food for thought. They are not to be blamed if the work to which they contributed adds up to less than the sum-total of its chapters and if the reader is left, as he lays down the book, with a feeling of confusion greater than ever concerning the foreign economic policy of this country.

MICHAEL A. HEILPERIN.

New York City.

Strategic Intelligence for American World Policy. By SHERMAN KENT. (Princeton, N. J.: Princeton University Press. 1949. Pp. xiii, 226. $3.00.)

The overriding impression which this book conveys to the uninitiated reader —and most readers are bound to be uninitiated in this field—is the closeness of the term "intelligence" in its technical sense to the general meaning of the word. The operations of modern strategic intelligence have very little in common with the stereotyped traditional activities of spies prying secrets from an unwary enemy. Nowdays strategic intelligence has become the brains behind the brains of the policy-makers, collating and evaluating all available information and assessing the chances of alternate policies in the light of such information. If foreign policy and military strategy are based upon a series of more or less informed hunches, then it is the task of intelligence to make those hunches as informed as possible, in particular in an age in which successful political and strategic calculations must depend largely upon the correct assessment of more or less indeterminate economic factors and trends. Hence the central importance of strategic intelligence ought to be obvious.

In the light of the vital functions which the intelligence operations of the government fulfill for the success of national policies and the security of the nation in peace and war, it is disturbing to reflect upon the enormous failings of American intelligence during the Second World War and the years preceding it, especially as regards the military potential of France, Germany, and the Soviet Union. It is even more disturbing to notice in our day the general lack of interest in, and understanding of, the functions of strategic intelligence on the part of public opinion, and hence the absence of constructive criticism of the shortcomings of our intelligence operations in personnel and organization. It is here that the great contribution of Professor Kent's book lies.

Eminently qualified by his wartime experience to deal authoritatively with his subject, Professor Kent has given us in the eleven chapters of this book a general theory of intelligence. According to him, intelligence is knowledge, organization, and activity. In so far as it is knowledge, it is descriptive, reportorial, and speculative-evaluative. In the field of organization, the relation between central and departmental intelligence is today, as it was during the Second World War, the crucial problem, and it is here that Professor Kent makes his most valuable suggestions for reform. His analysis of "Ten Problems from Experience" is a model of penetration and common sense. The discussion of intelligence as activity deals with the different methods of intelligence and with the relation between producers and consumers of intelligence. Here the author is sometimes in danger of losing himself in details and academic exercises

in classification. All in all, however, the book is an indispensable guide for the understanding of a vital and neglected branch of governmental activity.

HANS J. MORGENTHAU.

University of Chicago.

Their Finest Hour. By WINSTON S. CHURCHILL. (Boston: Houghton Mifflin Company. 1949. Pp. xvi, 751. $6.00.)

This second volume of memoirs of the Second World War recounts how, in Mr. Churchill's words, "the British people held the fort *alone* till those who hitherto had been half blind were half ready." It deals with the period between May and December, 1940, when America expected every Englishman to do his duty while this country got on with the five months' task of electing Franklin D. Roosevelt President a third time. The work has the major importance of any volume from the pen of a man highly placed at a moment of supreme crisis.

Their Finest Hour has not, however, the absorbing interest for students of world politics of its predecessor volume, *The Gathering Storm.* The earlier work described the descent into the abyss of world war from the point of view of a man whose political insights were so great that, had he been in office, the war might conceivably have been avoided and would in no case have had to be fought under such desperate circumstances as prevailed in 1940. It dealt with major political decisions which turned out badly. In *Their Finest Hour*, on the other hand, the issue has been joined and the major decisions are military rather than political, except in the field of Anglo-American relations.

The Prime Minister appears to have been an extremely active participant in making even highly technical military decisions. Just how great his rôle was in this area is difficult to determine, because Churchill ordinarily reports only what he said or wrote to his various political and military subordinates and rarely what they said or wrote to him. Only in connection with the "wizard war," the high-frequency war between British and German science which resulted in four-fifths of the German bombs dropped over England missing their targets, does Churchill appear to have played the rôle of responsible amateur which is the lot of the typical British or American politician in his relations with the armed services. There is ample evidence of Churchill's competence to assume leadership in military decision-making. The decisions to strengthen the armed forces in Egypt and to put the French fleet out of action, both taken when the invasion peril was highest, are two examples.

His conduct of Anglo-American relations demonstrated political talents of a very high order. It must have been extremely painful for him to watch while the American presidential campaign dragged to its weary conclusion, but there was no sign of irritation then nor of rancor now. The seven months covered by this volume saw the American position shift from uneasy neutrality to unqualified, pro-British non-belligerency. It was a major political triumph for both Churchill and Roosevelt.

Political scientists are likely to remember long after much of the rest of the

volume is forgotten the words in which Churchill records his satisfaction at finally being summoned to the seat of power: "power in a national crisis, when a man believes he knows what orders should be given, is a blessing. . . . It is always a misfortune when number two or three has to initiate a dominant plan or policy. He has to consider not only the merits of the policy, but the mind of his chief; not only what to advise, but what is proper for him in his station to advise; not only what to do but how to get it agreed, and how to get it done. . . . I was ruined for the time being in 1915 over the Dardanelles, and a supreme enterprise was cast away through my trying to carry out a major and cardinal operation of war from a subordinate position (p. 15)." *Their Finest Hour* is fresh evidence that World War II was ideally suited to permit Winston Churchill's great talents of leadership to show to best advantage.

WILLIAM T. R. FOX.

Yale University.

The Rome-Berlin Axis; A Study of the Relations between Mussolini and Hitler. By ELIZABETH WISKEMANN. (New York and London: Oxford University Press. 1949. Pp. xvi, 376. $5.00.)

Already known for her previous works on Italy and Czechoslovakia, Elizabeth Wiskemann has written yet another book which will be of interest to students and teachers of both history and international relations in her recently published study, *The Rome-Berlin Axis*. Aside from drawing on the fairly obvious sources of the Nuremberg trial proceedings and available official documents for factual material, the author has resorted to a large number of memoirs, diaries, and biographical and autobiographical publications written by individuals who were in varying degrees of proximity to the events and people she discusses. Although some of these, such as the Ciano and Goebbels diaries, are already well known in the United States, others have not yet appeared in translation here, and will therefore provide useful references for the scholar and research worker.

It should not be assumed, however, that *The Rome-Berlin Axis* is a mere compilation of carefully collected facts about a notorious partnership. Quite the contrary. As the sub-title implies, this is more a study of the relations between two men than one of the relations between two nations, and in making it Miss Wiskemann indulges freely in interpretation. It is here that others who have followed modern European events closely will probably disagree rather sharply with the author, for interpretation is necessarily subjective to a degree and prejudices are likely to influence the interpreter's judgment, no matter how carefully those prejudices may be controlled. Of course, it would be difficult for anyone to challenge the author's analyses of the motives and mentalities of her two principal actors since, with characters as warped as theirs, even those who were most intimately associated with them would probably disagree on many points. However, it will be somewhat harder for Miss Wiskemann to justify her analysis of the comparative rôles of Nazis and Fascists in plunging the world into an appalling era of death and destruction. Any student of modern European events would agree in judging the Nazis the greater criminals. How-

ever, in her horror at the grosser iniquity of the Nazis, many will feel that Miss Wiskemann has unduly minimized the rôle played by Italy in contributing to the world nightmare of 1933 to 1946. That Hitler's genuis was more thorough in its evilness cannot, to many, exonerate Mussolini and his followers for having set a pattern in Corfu, Abyssinia, and Spain on which Hitler was able to improve in the Ruhr, Austria, Czechoslovakia, and Poland. Miss Wiskemann's book will probably stimulate disagreement also on many minor points, such as the extent of pro-German and Nazi sentiment in pre-Anschluss Austria, the influence of the Sumner Welles mission of 1940 in bringing Italy into the war, and the rôle of the Chetniks in occupied Yugoslavia. Nevertheless, despite the degree to which this book may arouse criticism, *The Rome-Berlin Axis* is fascinating reading and a challenging interpretation of one of the most fateful partnerships in history.

BEATRICE MCCOWN MATTISON.

Washington, D.C.

The British Year Book of International Law, 1947. EDITED BY H. LAUTERPACHT. (London: Oxford University Press. 1949. Pp. xiv, 529.)

The reputation of the *British Year Book* as one of the leading, nay indispensable, publications in the field of international law and increasingly also in the field of international organization will be enhanced by this twenty-fourth volume, which contains an unusual wealth of learned papers and other materials. Of the fourteen papers, six deal with problems of international organization, six with questions of international law, and two with problems relating to private property arising from the late war. This is followed by brief notices chiefly on matters of current interest such as the ownership of the sea-bed, human rights, the Belize controversy, the Corfu Channel case, etc. Decisions of British courts involving points of public and private international law are summarized. The useful documentary section, initiated in the 1946 volume, is continued, and the constitutions of four international organizations are ably annotated by Mr. Clive Parry. Book reviews conclude the volume.

Among the papers on international organization, M. E. Bathurst's study of some "Legal Aspects of the International Control of Atomic Energy," a critical evaluation of the recommendations of the Atomic Energy Commission in its first two reports to the Security Council, contains some significant suggestions *de lege ferenda;* "The Trusteeship System," by H. Duncan Hall, is a further elaboration of his concept of the "international frontier"; in "International Organization and Neutrality," J. F. Lalive undertakes to show that permanent neutrality such as that of Switzerland is not incompatible with membership in the United Nations; and P. O. Humber's analysis of "Admission to the United Nations," written prior to the Advisory Opinion of the International Court of Justice of May 28, 1948, comes very close to the view of the dissenting minority, namely, that admission is a political question. It is probably a pity that R. Y. Jennings' stimulating paper on "The Progressive Development of International Law and Its Codification" appeared too late to be considered in

connection with the discussions which took place in the United Nations organs charged with the formulation of the principles and methods for the work of the International Law Commission. Yuen-li Liang's article on "The Settlement of Disputes in the Security Council; The Yalta Voting Formula" is one of the most important contributions to the analytical literature on the Charter of the United Nations. In Dr. Liang's view, based as it is on a careful consideration of the history of the pertinent clauses of the Charter, as well as on the principle that no state shall be judge in its own cause and the requirement of effective Security Council action, a state whether party to a dispute or directly involved in a situation should abstain from voting in the Council regardless of whether it acts under Chapter VI or another part of the Charter.

In the group of papers on international law is the very useful study of "The Conclusiveness of the 'Suggestion' and Certificate of the American State Department" by A. B. Lyons, which illustrates the interaction between the executive and judicial branches of the United States government in granting or refusing immunity from jurisdiction to a foreign state; a paper on "Immunities of the Subordinate Diplomatic Staff" by Joyce A. Gutteridge; and one on "Pirata non Mutat Dominium" by Professor B. A. Wortley. S. W. D. Rowson's detailed analysis of "Prize Law during the Second World War," partially based on unpublished documentation, is the first comprehensive treatment of the main problems that confronted prize courts in different belligerent countries and of great interest. In an admirably reasoned paper on "The Release of the Altmark's Prisoners," Professor C. H. M. Waldock undertakes to vindicate, on strictly legal grounds, the intervention of the British government in Norwegian territorial waters. He is on firm ground in arguing that the Altmark's passage was unlawful and the Norwegian government remiss in its duties as a neutral in tolerating it. An issue of fundamental importance is raised, however, in justifying the British action by resort to the principle of self-preservation. J. Mervyn Jones' discussion of "State Succession in the Matter of Treaties" is a valuable theoretical as well as practical contribution to a subject on which there is a good deal of uncertainty if not confusion. He suggests, following Sir Arnold McNair, that the question of whether or which treaties pass in case of territorial changes is not one of state succession (as it is generally held to be), but one of treaty law. In other words, it is a question of the effect of such changes in the condition of the state or states concerned on the continued applicability and validity of treaties.

The penetrating studies of the treatment of "German External Assets" by F. A. Mann and of "Private Property, Rights, and Interests in the Paris Peace Treaties" by Andrew Martin will be most welcome to the practitioner as well as the student baffled by the intricacies of the problems involved. Dr. Mann's study should be read also by students of contemporary international relations as a case study in what the author aptly calls a "tragedy of drafting." Dr. Martin points out, as does Dr. Mann, the absence of adequate judicial remedies open to interested individuals, an omission which will probably come to be regarded as a retrograde step.

Lack of space precludes the reviewer from doing justice to the scholarly papers briefly mentioned above. The editor and the editorial committee of the *British Year Book* must be congratulated on a splendid accomplishment; for all of the papers will be read with profit, and some of them will become indispensable for a better understanding of the subjects treated.

LEO GROSS.

Fletcher School of Law and Diplomacy.

The World's Best Hope. BY FRANCIS BIDDLE. (Chicago: University of Chicago Press. 1949. Pp. xii, 175. $3.50.)

A respected former Attorney-General of the United States has written a provocative book concerning problems of present-day American democracy and its relation to America's place "in the center of the world." One cannot be anything but hospitable to Mr. Biddle's sprightly, good-hearted effort—especially since academic political scientists are doing too little of this type of writing. Introductory chapters discuss America's general position in a two-power situation and the new policy of balance of power embodied in the Truman Doctrine and the Marshall Plan. Finding that "emphasis on democratic institutions and policies" is an important element in this new program, the author devotes four chapters to the nature of American democracy—theory, practice, and changing values. Accompanying these is a vigorous argument refuting some mythological aspects of "free enterprise" and the false identification of socialism with communism. The bulk of the analysis thus highlights a fundamental problem: Can the free enterprise system of this country be harmonized with the socialist economies of Western Europe? Mr. Biddle's answer is a convincing affirmative framed in terms of the "essentials" of democracy. There is a separate chapter on governmental aspects of foreign policy. Basically, Mr. Biddle is anxious lest the ambiguities, ambivalences, unfulfilled promises, and peculiar folkways of American democracy sap our strength, alienate our friends, and muddy our example to the world. In developing this theme, he says many things worth saying right at this time.

This is a difficult book to criticize without appearing to be unfair to the author. Brevity is an author's right, but a consistent, solid underpinning of fact, logic, and structured thinking are a reader's right. A spotty performace on this score mars an otherwise challenging contribution. The analytical foundation of Mr. Biddle's plea might also have been explicitly broadened beyond the usual, narrow political and legal lines. There are interwoven revolutionary forces of multiple ancestry (beyond the control of Russia on America) at work in the international environment—including the population crisis, the uneven impact of technology, shifting local power structures in key regions, general social disorganization, unstable, mixed economies in transition, subtle reactions of belief systems under tension, and the change from the legislative state to the administrative state; these underlie both the ideological and the power conflict. Crucial terms like majority rule, equality, public opinion, socialism, individualism, and freedom ought to be defined carefully. It might have been interesting

to raise the question of what liabilities and assets a democratic society may exhibit in a period of prolonged diplomatic tension. Freedom must be discussed in psychological and sociological terms: Does it consist of a wide range of social mobility and choice as well as political rights? Does society generate oppression in its non-political phases? Do not social status, inter-group relations, and cultural compulsions affect personal liberty? Surely the relations between the individual and the state, or between the mass and the minority, are not the only relationships in a complex social structure which condition political liberty. Finally, it is perhaps pertinent to inquire whether a truly national foreign policy can be established, given the current organization of political power in the United States.

These suggestions imply that the accumulated knowledge of man and society is not systematically focused in political analysis. An attempt to clear up confusions of meaning and value, at least a temporary core of accepted political science concepts, and techniques for making meaningful institutional comparisons, are all badly needed. These shortcomings are hardly Mr. Biddle's fault, yet they have a significant bearing on his book.

RICHARD C. SNYDER.

Princeton University.

World in Transition. BY G. D. H. COLE. (New York: Oxford University Press. 1949. Pp. xix, 646. $6.00).

This ambitious and lengthy study of the world today is full of good things. It states the principal aspects of the current problems that seem to the author most important, and projects against this background sketches of nations and regions as they appear to Mr. Cole. Finally, it attempts to suggest a program of action which, in the opinion of the author, will make for peace.

The book is prefaced by a statement of Mr. Cole's personal views and attitudes, to which most persons of liberal views will respond. But somehow all the learning and all the attempts at objectivity do not make the thing come off. The trouble is that Mr. Cole has accepted a legend. The legend, all too well known by thinking persons today, is as follows:

"Russia has had, and is preserving, a people's revolution. She fears as her greatest enemy the imperialistic and capitalistic United States. In Russia, men are driven, 'through fear, to the acceptance of herd government as the means of protection against the dangers from without. . . . As fast as the United States changes toward a more stable and equitable social system—and therewith loses its capitalist crusading temper—I fully expect the Soviet Union to change too—towards a more liberal and less fear-ridden régime'" (p. 594).

Whether or not one agrees with this position will depend upon his own opinion of the respective social systems of Russia and the United States. (It should be observed that in the passage quoted, the social rather than the economic note is stressed; hence the passage must be judged accordingly.) To the reviewer, Mr. Cole's attitude seems both naïve and uninformed. It would be too much to say that he should have anticipated the results of the

presidential election of November, 1948; but his picture of the United States sounds as if it had been taken in 1929. And the question must be faced: If the author so misjudges a country about which he could easily learn a great deal, how much confidence may his readers have in his views of Latin America, India, or any part of the non-English speaking world? If he cannot see that the very bitterness of the forces that were once called "anti-New-Deal" is due to the fact that they are facing defeat by the forces which intend that society shall be controlled by neither capital nor variously-named slave-drivers posing as tribunes of the people, but by those who constitute it, what is his opinion worth in the fields of sociology, economics, and political science? These questions are not based upon his opinion of Russia and the Soviet system (which the reviewer does not share), but upon his failure to see what is happening here in the United States.

His solution seems fantastic. A third great power-system, headed by Great Britain and France, should hold the balance of power, and thereby keep the peace. Of course there is the United Nations, but the coalition in question will be the important and essential factor in preventing another war. Anyone who believes this can cite a ponderous tome in its support. The reviewer, unfortunately, was disappointed to see that the mountain labored and brought forth a mouse.

MIRIAM E. OATMAN.

Silver City, N. M.

The Situation in Asia. By OWEN LATTIMORE. (Boston: Little, Brown and Company. 1949. Pp. x, 244. $2.75.)

Mr. Lattimore addresses himself to the problems of statesmanship in a colonial or semi-colonial Asia which is now "out of control" (p. 1). The essential ingredient in the situation is aptly expressed: "The vistas of a new era in world politics have been opening out before us more swiftly than the traditional policies of the great powers could be adjusted to deal with new conditions and problems"; hence we are forced "to abandon a large part of the patched-together thinking that has passed for statesmanship since the end of the war" (p. 7). Lattimore cogently illustrates, as a point of departure, how post-war Asia differs from pre-war Asia, and especially how these variations, arising as by-products of the war itself, created post-war problems of settlement and adjustment unimagined when the war started. His provocative analysis has great substantive interest. But this reviewer, while he cannot concur with many of the conclusions reached, feels that the most useful contribution of the book lies in the dialectical method of analysis which Lattimore employs to chart the course of social change and to relate it to the necessity for continuous and consistent policy adjustments.

Lattimore places his finger squarely on the difficulty of the United States in today's world: "The most perplexing situations in American foreign policy have developed from our mistake in ignoring the fact" that "a sound policy springs from two roots: the character of the problem to which the policy is to be applied,

and the character of the country which wants to solve the problem, or maneuver it into a situation in which it can be managed" (pp. 217–218). Needless to say, he argues implicitly that our foreign policy has been badly bungled during the past four years, and that its foundations, in Asia and the world at large, need to be reëxamined. The theses of his concluding chapter might fairly be stated as follows: (1) The United States must recognize the limitations of power; (2) it must recognize the probability that "Russia's power to control Asia will not expand nearly as fast as the power of America and Europe to control Asia diminishes" (p. 221); (3) the United States must no longer by-pass the United Nations; (4) "if we cannot control Asia, we must get Asia to participate in our policies" (p. 230); and (5) we must reverse the "emergency policy of trying to contain and oppose Russia with our own strength, while trying to build up support behind a front line that we hold virtually alone" (p. 237).

Our policy toward Japan will fail "because it is not in fact realistic but pseudo-realistic" (p. 109); we are betting that Japan will lead Asia, whereas "the increasing probability is that as Asia goes, so Japan will go." This will leave us holding the sack. General MacArthur escapes with mild reproof: "His one weakness . . . is his inability to keep sycophants out of his entourage" (p. 109). His public-relations henchmen, "so fast on their feet" and "so slow in the head," receive rougher treatment.

By limiting the treatment of Japan to one chapter, and compressing thumb-nail analyses of some fourteen other Asiatic nations into a single chapter, Lattimore is enabled to reserve most of his attention for China and for analysis of Russian-American relations. He frankly admits, for China, that the present Communist ascendancy is so great that it cannot be reversed, and that non-Communists in the present coalition cannot be expected to wield more than a moderating influence. Since Chinese Communism expresses an undeniable nationalism, the United States "must not spoil our favorable position by attempting at this time to declare the conditions on which we should deal with China" (p. 178). If we meet the Chinese Communists half-way, especially in economic matters, future Chinese society "will incorporate many features of capitalism, private enterprise, and political democracy. . . . If the Russians and the Communists continue to keep ahead of us in accepting Asia on its own terms, there will be more socialism in the superstructure" (p. 180). It is not precisely clear what "favorable position" the United States now enjoys in China, or how our economic support will moderate the doctrines which Lattimore recognizes as entirely Communistic in spirit and purpose.

As for "Russia," Lattimore's continued employment of that form of designation (instead of "Soviet Union" or "U.S.S.R.") may be intended to convey that the national aspects of Soviet policy outweigh those aspects derived from Communist doctrine, and that we may aspire to a reconciliation of conflicting national interests. There is an equivocation in his assertion "that Russia has taken control of, or access to, enormous exploitable areas, but has not taken over, from those who formerly exploited them, the same kind of ability to exploit" (p. 50).

Lattimore is a stimulating writer whose semi-journalistic flair does much to keep the neglected issues of Asia before the American public eye. But he could achieve his end without setting up needless straw men: "An attempt to stun the peoples of Asia by atomic warfare is out of the question, except for madmen" (p. 3); and no service is rendered by extravagant rhetorical flourishes: "China was once a country in which foreign investments were safer than the investments of powerful Chinese" (p. 6).

H. ARTHUR STEINER.

University of California (Los Angeles).

Japan: Enemy or Ally? BY W. MACMAHON BALL. Published under the joint auspices of the International Secretariat, Institute of Pacific Relations, and the Australian Institute of International Affairs. (New York: The John Day Company. 1949. Pp. xii, 244. $3.00.)

Because of the dominantly American character of the occupation of Japan, it is valuable and interesting for the American public to secure the views of a competent foreign observer of this operation. Accordingly, the Institute of Pacific Relations is to be congratulated for publishing a book by W. Macmahon Ball, an Australian political scientist who represented jointly his country, the United Kingdom, New Zealand, and India on the Allied Council for Japan during 1946–47. The book is more a personal interpretation than a description of occupation policy and basic conditions in Japan. Mr. Ball recognizes the achievements of the occupation, but devotes much of his attention to alleged shortcomings of American policy and administration. He does this in a modest way that should offend no one except overly sensitive members of General MacArthur's headquarters staff. Of particular value is Mr. Ball's account of the difficulties under which the Allied Council operated because of the Supreme Commander's tendency to regard any question by a foreign representative, however pertinent, as an effort to discredit his administration.

Mr. Ball's interpretation of the occupation rests upon two propositions. The first is that "since 1945 there has been a far-reaching change in the attitude of the United States towards Japan," and second, that "during the same period there has been no fundamental change in Japan's social structure or in the political outlook of her leaders." He sees the shift in American policy away from demilitarization and the establishment of a responsible and democratic government as an extension of the Truman Doctrine, motivated by the attitude toward the Soviet Union rather than toward Japan itself. While he recognizes the threat of Communist expansion, he firmly believes that the present attention to economic reconstruction is short-sighted policy, and that the United States will have greater prospect of success if the welfare and freedom of the ordinary people of Japan are consistently emphasized.

Mr. Ball is fearful of the dangers inherent in a program of economic reconstruction through the instrumentality of present Japanese leadership. He rejects the notion that defeat and occupation have changed the hearts and minds of the people and their leaders and that they have become converts to

democracy and peace. To the contrary, he believes that in the first weeks following surrender the rulers of Japan agreed that during the occupation period there would be "complete outward compliance with the orders of the conquerors, combined with lasting spiritual resistance to the conqueror's will." This program, he believes, has been carried out persistently. Extension of American material assistance without more determined resolve to enforce the democratization program will further solidify the control of unregenerated leaders and will assist Japan in recovering a position whereby she again can threaten the economic stability and security of the Far East. "In a word, if we want Japan as an ally," Mr. Ball concludes, "the way to succeed is not by subsidizing reactionary governments, or resuming trade relations with a disguised *Zaibatsu*, but by giving firmer friendship and effective help to the Japanese people."

Because this is a small book, substantiation is not given in as much detail as one might like; but otherwise the arguments are convincingly presented. Also the American reader might wish for an account by Mr. Ball of the circumstances which caused him to resign his position on the Allied Council in protest against his own government's policy following the visit of his chief, Minister of External Affairs Herbert Evatt, with General MacArthur in August, 1947. The American edition of a book first appearing in Australia has been enlarged by the addition of an introduction by Nathaniel Peffer, a chapter dealing with major developments to the end of 1948, and appendices including the new constitution of Japan, the report of the Johnston Committee, and the United States statement to the Far Eastern Commission on Japanese industrial deconcentration.

JOHN W. MASLAND.

Dartmouth College.

Education for a New Japan. By ROBERT KING HALL. (New Haven: Yale University Press. 1949. Pp. xiv, 503. $6.00.)

Lack of independent informed comment has been one of the major obstacles to democratic control of our occupation policies in Japan. Since scholars have not been admitted to Japan for independent research, the American public has been largely dependent for information either on inadequate newspaper reporting or on uncritical official publications. The few detailed and reasoned accounts which we have by former officials of the Occupation, like Professor Hall, are therefore doubly important. During the war, as a Navy officer, Hall studied, taught, and planned for civil affairs administration for Japan, particularly in education. From shortly after Japan's surrender until the latter part of 1946, he served as chief of the Education Subsection, Educational Reorganization Officer, and Language Simplification officer in the Civil Information and Education Section (CIE) of GHQ, SCAP, in Tokyo. He wrote this book after his return to the United States. It is the only sizable non-official study of education under the Occupation and adds materially to the background available in the official reports of the CIE Section and the Education Mission. It is

important for everyone who wishes to understand the democratization program in Japan.

Hall gives a great deal of detail—perhaps too much—on the antecedents of Japanese education. The three major current issues which he presents are control of chauvinism by screening of teachers and textbooks, decentralization of educational administration, and romanization of the Japanese language. He argues that lenient treatment of the Japanese Emperor has preserved dangerous ideology and that the Department of Education has been allowed to retain too much power. He is vague, however, as to how he would reconcile need for more drastic change with the Japanese conditions which deter more drastic action by the Occupation. Hall considers the difficulty of the Japanese system of writing an obstacle to democratization and lack of language reform an Occupation failure, but he also says that the strategy of written language reform must be left to the Japanese. It is not clear how far he thinks that General MacArthur should resort to fiat.

The final chapter takes up briefly a number of other important issues and contains some excellent statements of the author's educational theories. Hall realizes that the schools are only one of the educational influences for or against democracy in Japan, that many of the reforms he hopes for require wide social, cultural, and economic changes, and that other phases of the Occupation may outweigh CIE in educational influence and even undo its work. He points out, for example, that the Occupation teaches freedom of speech, but enforces censorship. These broader problems of education for democracy through military control are, however, never adequately treated. There is little on developments during the third and fourth years of the Occupation, probably because Hall was refused permission to complete his research in Japan as a private scholar.

Professor Hall's critique of education policy is probably not sufficiently cogent and specific to force much new policy thinking by American officials in either Washington or Tokyo. Unfortunately, it will be seen by few Japanese. On the other hand, he has made much useful background available to Americans who have not had direct experience with the Japanese educational system.

CHARLES B. FAHS.

Fair Lawn, N.J.

The Struggle for Democracy in Germany. EDITED BY GABRIEL A. ALMOND. (Chapel Hill: University of North Carolina Press. 1949. Pp. viii, 307. $4.00.)

All seven co-authors of this volume, representing three academic disciplines, have had experience in dealing with the German problem, and five (all except Dr. Almond and Dr. Anderson) are natives of Germany; one (Miss Menck) is still a citizen living in that country. Able editing, careful writing, and broad documentation have produced a fair-minded round-up of the most important obstacles, accomplishments, and potentialities in the field of German democratization down to about the end of 1948.

The editor wisely opens with an astute historian, Eugene N. Anderson, of the University of Nebraska, who assesses "Freedom and Authoritarianism in German History." Professor Anderson tries not to underestimate the strength of authoritarian forces, but his analysis should persuade many of the remaining doubters that there are substantial democratic forces in Germany which have roots—perhaps even grass roots.

The two chapters on the resistance movement, jointly written by Gabriel Almond (research associate in the Institute of International Relations at Yale) and Wolfgang H. Kraus (associate professor of political science at George Washington University), form a convincing statement as to why the Germans did not resist the Nazis in larger numbers than they did, and as to how much the actual resisters did accomplish. The first of these, "Resistance and Repression Under the Nazis," is a good antidote for the absentee conscience which has sometimes been applied too firmly to the Germans in this matter. In "The Social Composition of the German Resistance," the authors demonstrate the prime position of labor, but without neglecting the Church, the Army, and others. Statistics (largely from the Strategic Bombing Survey) are handled in such a way that they mean something without meaning more than they should.

Fred H. Sanderson, chief of the Western European Economic Branch of the Division of Research for Europe, Department of State, assesses "Germany's Economic Situation and Prospects." After presenting a clear and understanding summary of four-power economic disagreements since Potsdam, Mr. Sanderson concludes, among other things, that the "admission of Germany as an equal member of a European union offers the best hope for a satisfactory solution not only of Germany's economic problems, but also of its political problems" (p. 179).

Hans Meyerhoff, assistant professor of philosophy at U.C.L.A., also tells a familiar story. Though mainly descriptive, his chapter on "The Reconstruction of Government and Administration" goes well below the surface.

"Political Party Developments," including their characteristics in each Zone, are ably covered by Vera Franke Eliasberg, research director of the American Association for a Democratic Germany. A point she makes most forcefully is one which seems not to be fully accepted yet in the United States—that the S.E.D. (and hence the Soviet administration) has gradually dissipated its prestige to the vanishing point in German eyes.

As one of the "occupied" herself, Clara Menck, contributing editor of *Die Neue Zeitung*, probably pulls a few punches, but she does not pull them all (see pp. 281, 306, 307). Also, in discussing "The Problem of Reorientation," she does not fail to deal with such really important imponderables as "a dangerous spiritual vacuum" and "the restoration and reconstruction of family life." She warns that the kernel of the education (school) problem is not reform of the educational structure, but "changing the spirit and approach of the teachers." She takes account of "attitudes," a matter which simply cannot be neglected.

In picking up a book with such a title as this, one inevitably looks for answers

to at least two difficult questions: Does democracy have a chance of long-run success in Germany? If so, is it gaining ground? This volume answers the first question definitely in the affirmative, but seems to answer "maybe" to the second.

R. W. VAN WAGENEN.

Duke University.

Governments of Danubian Europe. BY ANDREW GYORGY. (New York: Rinehart and Company, Inc. 1949. Pp. vii, 351. $4.00.)

This book covers the postwar developments in Czechoslovakia, Hungary, Rumania, Yugoslavia, and Bulgaria, the countries identified by the author as "Danubia." The first two chapters present a general survey of the history of "prewar Danubia" (pp. 3–37) and the "Postwar Reconstruction and the Peace Treaties" (pp. 37–69). These are followed by separate discussions of developments in each of the Danubian countries (pp. 69–243). The final chapter is devoted to "Alliances and Federation Projects" (pp. 244–270). The book also includes a 78-page appendix of random selections consisting of various political statements, proclamations, and laws, and a 13-page bibliography. The chapters are uneven in quality. Those on Czechoslovakia and Hungary are somewhat better than the rest. Those on "Postwar Reconstruction and the Peace Treaties" and "Alliances and Federation"are hardly more than journalistic fragments. The book is based almost entirely on newspaper and popular accounts written during the postwar period of tension.

The most serious shortcoming of the book is that it does not analyze the pattern of Communist growth and consolidation in Danubia. Such a discussion might have thrown much light on the over-all strategy and tactics of the Communist movement. The author does not subject to scrutiny the specific features of the so-called people's democracy and the constitutional differences between the USSR and the countries which follow the Soviet pattern. The unique position of Yugoslavia in Soviet-dominated eastern and southeastern Europe has not been adequately described; indeed, Yugoslavia has been treated like any other satellite country.

There are a number of misstatements and exaggerations in the text. To say, for example, that "the decisive factor which paved the way for the triumph of leftist resistance forces was the intensive Allied aid given Tito" (p. 182) shows lack of knowledge of Yugoslav affairs. Had the author examined the figures on the Allied war-time aid to Yugoslavia, he would not have made such a statement. Though he is correct in saying that Tito and the Communists minimized any aid given them, he is wrong in assuming that Allied aid reached the proportions he implies.

Mr. Gyorgy does not appear to appreciate fully the meaning and implications of land reforms carried out under Communist auspices; his superficial and fragmentary treatment of these measures does not present them in their appropriate relation to general Communist purposes. The land reforms have a double purpose: first, to insure the support of the peasantry for the Communist-

dominated régimes; and, secondly, to pave the way for collectivization of agriculture. They are the first step in remolding the rural community along socialist lines.

This is another one of those books in which the war-time leaders of the Western Allies are accused of strengthening the Soviet position in "Danubia" by "decisions to invade Western Europe rather than the Balkans; to encourage Tito rather than his outspoken political opponent . . . Mihailovich; to sign . . . armistice terms with the Axis satellites which . . . conceded a Soviet sphere of influence in Danubia; and, finally, to order a halt to General Patton's irresistible sweep a few miles outside Prague . . . " (pp. 37–38). The author completely disregards the war-time military considerations, the Soviet geographic proximity to "Danubia," and failure of a single traditional democratic party in "Danubia" to organize a resistance movement, thereby allowing the initiative to rest in Communist hands.

As an introductory survey of political and socio-economic deve'opments in postwar "Danubia," this book is not without merits; it attempts to explain some of the difficulties of Soviet-engineered socialism among the peoples who are neither historically nor ideologically prepared for it.

WAYNE S. VUCINICH.

Stanford University.

The City of Reason. By SAMUEL H. BEER. (Cambridge: Harvard University Press. 1949. Pp. viii, 227. $4.00.)

This is an essay in the metaphysics and ethics of politics and an excellent restatement of cardinal problems in philosophy from the viewpoint of a student of political theory.

Professor Beer sets for himself the major task of reconciling the apparent "discontinuity" of the world with our intuition of order. He reiterates the familiar observation that all human purposes seem to be frustrated: that planning, no matter how carefully carried out, brings about unforeseen results; and that no sooner is one social order established than it appears to be undermined by an ever-present dissociation, or destruction of order. The author concerns himself quite frankly with the real problem of evil and seeks to show that, despite the appearance of evil (in Augustine's sense of a falling away from good), "the world is rational: it is a universe which joins in real togetherness all the manifold pluralities of history and nature. In such an insight into the ultimate rational nature of things, we find a Law of Reason which is an ethical imperative for man and a solution to the problem of purpose" (p. 9).

During the course of his argument, Beer has occasion to examine the ethics of Dewey and Mannheim's "sociology of knowledge"; the philosophy of "Nature" and that of Plato; the outlook of the Old and New Testaments; and the theories of Whitehead. He concludes that a fusion of the Christian view of man with the philosophy of Whitehead will give us the best ground for a belief in the "togetherness" or "oneness" of the universe in face of the disharmonies constantly erupting in the lives of men and societies. All things human are indeed con-

demned to death in one sense; yet in another sense nothing will be lost, because there is a "Saving Order"—a perfect community—over and above the natural and historical orders, into which all things positive (but not the negative entity evil) will be gathered up. Means and ends constitute a *continuum* and human purposes conforming to the Law of Reason are not lost, despite their apparent frustration in the politics of this world.

Beer rejects any extreme idealist view of ethics, although admitting that Bosanquet's "ethical collectivism" makes an important point. On the other hand, he disagrees with those who, like Mill, derive their ethical beliefs from a so-called "science" of human nature. Rather would Beer root his "ethics of humanity" on metaphysical and religious foundations. So based, his system is not to be "daunted by the revelation of forces of destruction in nature or human nature. It is founded on a philosophy which at once acknowledges that discontinuity is a basic trait of the temporal world and insists that the duty of man is to struggle against discontinuity" (p. 203).

Refreshingly rejecting any purely mechanistic interpretation, the author actually speaks of men as souls. Students of politics "must take the soul seriously. . . . If the social scientist would get at the important facts about a man, he must not only observe him carefully but also make some inference about the state of his soul. There is no operational substitute for imaginative insight" (160–61). To which one can only nod in emphatic agreement.

Beer's account of man and politics has obvious affinities with the philosophy of Reinhold Niebuhr. There is the same awareness of the tension between ideal and practice; the same consciousness of the corruption involved in all action. Yet it seems to me that while Niebuhr's emphasis tends to be on the futility of man's struggle against the "discontinuities" of life, Beer sees that struggle in terms of hope; for even if it is frustrated, the very effort to reform society plays an important rôle in the development of the human soul.

On the whole, the author displays great learning and presents his complex argument with considerable deftness and lucidity. This is the kind of book which students of political theory should write more frequently.

MULFORD Q. SIBLEY.

University of Minnesota.

Socialism. By PAUL M. SWEEZY. (New York: McGraw-Hill Book Company. 1949. Pp. xiii, 276. $3.50.)

This book, a volume in the *Economics Handbook Series* edited by Seymour E. Harris, is an exposition of modern socialism by an avowed socialist. In Part I, the author briefly discusses contemporary socialism in the Soviet Union, in Great Britain, and in Eastern Europe, especially Poland. Part II deals with Marxian theory and the origins of contemporary socialism. Part III deals with "The Debate over Socialism." Mr. Sweezy condenses a great deal of complex, controversial material into a remarkably lucid, consistent statement.

For Mr. Sweezy, contemporary socialism means primarily Marxism, and his interpretation of Marxism is consistently a leftist interpretation. Writing in

1947–48, he concluded tentatively that "the process of socialization has already come to a halt" in Great Britain (p. 57). The Labor party program, lacking integrated economic planning, was not socialism. However, the nationalization of iron and steel would be "a crucial test for the Labor party as well as for British capitalism" (p. 50). The Soviet Union was "the only unquestionable example of socialism in practice" (p. 3), and its military success "more than anything else has convinced the world that socialism really works" (p. 29). In general, Mr. Sweezy equates the cause of socialism with the cause of the Soviet Union, but on occasion he is willing to acknowledge that certain phases of the Soviet record have been liabilities to the non-Russian socialist movement (e.g., pp. 180–181).

His explanation of dialectical materialism and of Marxian political economy cuts through the Germanic abstractions of Marx and his commentators to a readily understood, concretely illustrated statement which tends to make Marx and Engels more acceptable to present-day American readers. But there is less Hegelian heritage in Mr. Sweezy's Marx than most political theorists would find, and Mr. Sweezy sometimes sets up his problems in a way that evades difficult questions. For example, he interprets "the first principle of historical materialism" as meaning "that intellectual activity influences the course of history primarily through its impact on the way people live" and that intellectual activity "grows out of past and present experience" (p. 119). If this is all that Marx and Engels meant, it is indeed strange that the echoes of their attacks upon their philosophical opponents still reverberate. That they meant more than this, Mr. Sweezy seems to acknowledge elsewhere. For Mr. Sweezy, "the withering away of the state in a future socialist society" seems "like a reasonable, even if still unprovable, hypothesis" (p. 133). He acknowledges the need for organization and direction and then says: "The question is whether people will come to accept this need as a matter of course and do their share willingly, or whether they will have to be kept in line by the use or threat of force" (p. 132). Restating the question takes him no farther than Lenin's casual dismissal of the problem in 1917.

An outstanding feature of the book is the section dealing with present-day arguments against socialism, especially those of von Mises, Hayek, and Lippmann. Mr. Sweezy brings the debate down to earth and can quote against these critics not only Oscar Lange but also distinguished non-socialist economists. An outstanding weakness of the book is the author's habit of apology by omission or by formal understatement when he discusses Soviet politics. The *kulaks*, referred to as one of "the old ruling classes" (p. 16), disappear silently. The question of forced labor is disposed of in a footnote reference to F. L. Schuman (p. 28). In much of the discussion of postwar developments there is an air of cool objectivity which creates a thoroughly unreal impression. In discussing countries where the Communists have come to power, the emphasis is almost exclusively upon indigenous and spontaneous popular trends. The influence of the Soviet Union is not denied, but it is recorded almost incidentally (e.g., Chap. IV).

Although disagreeing with Mr. Sweezy both on fundamentals and on details of interpretation, the reviewer regards this as an extremely useful book—useful to the student as a socialist's introduction to Marxism, useful to the teacher as an example of how a highly trained economist can restate and defend Marxism without the usual slogans and clichés.

JOHN D. LEWIS.

Oberlin College.

Liberalism and the Challenge of Fascism; Social Forces in England and France (1815–1870). By J. SALWYN SCHAPIRO. (New York: McGraw-Hill Book Company. 1949. Pp. xi, 421. $5.00.)

The shortcomings liberalism inherited from the nineteenth century are so widely recognized today that they are found in the catechism of every student of politics. In extricating himself from the run-of-the-mill criticisms of the moment to discern in English and French liberalism of the last century elements of enduring value, Professor Schapiro has raised the level of discussion to a new plane.

Two strands of thought weave together a series of relatively independent scholarly essays into a loose yet cohesive pattern. In his main strand, Schapiro traces the historical development of liberalism from its Whig origins in England, or "aristocratic liberalism" as he calls it. He describes its transformation, first into the "bourgeois liberalism" of the classical economists, utilitarians, and Philosophic Radicals, and second, into the "democratic liberalism" of Mill and De Tocqueville. He concludes with an analysis of what he considers to be the emerging fascist challenge of Carlyle and Proudhon. In a second, less visible strand, he seeks to work out the reasons for liberalism's success and failure, in England and France respectively, to provide an institutional and ideological basis for social unity.

Although he fulfills the expectations raised by his main purpose, in part his insights into the nature of bourgeois liberalism are clouded by his less perceptive evaluation of Carlyle and Proudhon. These romantics wrote in a period and with a purpose so remote from those of fascism that the contemporary tendency, which Schapiro joins, to seek pre-fascist overtones in them loses and distorts their essential meaning. Carlyle and Proudhon fulminated against industrialism and its destruction of human values; fascism used industrial technology to destroy the human spirit. These visionary romantics felt deeply the wretchedness of man in his enslavement to the machine, and they sensed equally the futility of his efforts to escape this bondage. Only now is our atomic generation supremely aware of the tremendous effort necessary to master its technology. Although Carlyle and Proudhon erred in the remedy they would prescribe, within the limits of foresight possible in their century they diagnosed a deep-rooted emerging illness. It does violence to their meaning to see in them the early rumbling of a political order, like fascism, against the threat of which they were really thundering.

There is a further point that goes to the heart of Schapiro's analysis. Few

would agree with his broad definition of liberalism. It covers facts too diverse to lie comfortably under the canopy of one rubric. His definition, a chapter in length, is so broadly phrased that it includes even socialism. In thus labelling socialism as a kind of liberal doctrine, indeed the final one in the various stages through which liberalism has passed since Whig days, there is clearly revealed a reluctance to recognize two vital differences that divide liberalism from socialism. First, even in its most expansive mood today, liberalism never quite gives up its legacy of the nineteenth century. It feels that genuine freedom will prevail only where large segments of property rest in private hands. Socialism has, of course, always refused to associate freedom with private ownership of productive property. And second, in spite of recent revisions, liberalism still tends to build the community out of the individuals, whereas socialism begins with a strong sense of community and identifies the individual within it. Although socialism at its best does incorporate most of the ultimate aims of liberalism, it sees the possibility of closer ties between a free individual and the social order than the most advanced liberal can bring himself to accept with equanimity. If liberalism is expanded to include every doctrine which shows a concern with individual liberty and popular suffrage, then it loses the unique meaning essential if it is to remain a useful concept for political analysis. Speaking strictly, if this use of liberalism were universally adopted, anarchism ought to represent, not a doctrinal development out of liberal thought, but the very flower of liberalism itself!

DAVID EASTON.

University of Chicago.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

In a field where several good texts are already available, there is little point to writing another unless the author is determined to produce a book marked by some special excellence. Ernst B. Schulz doubtless recognized this fact in undertaking his volume on *American City Government; Its Machinery and Processes* (Stackpole and Heck, 1949, pp. vi, 554, $5.00). His book adds to the embarrassment of riches which now for several years has confronted teachers of municipal government in the selection of their texts. It is not intended for use in courses devoted wholly or largely to municipal administration; but no instructor in city government *per se*, or in municipal government and administration, which is perhaps more normally the case, will want to overlook it in making his choice. Organized in twenty-four closely-packed chapters, the book opens with a chapter on the city as a social phenomenon and another on municipal functions, both exceptionally well done. Then, in order, come three on the city as a municipal corporation, three on city-state and one on federal-city relations, one on metropolitan areas, four on methods of representation, nomination, and election, one on the urban political process, six on the varying patterns of city

government, and one each on organization and control of administrative services, the personnel problem, and municipal finance. There is evidence throughout of wide acquaintance with the literature of the field coupled with discriminating judgment in the use of it. Among the book's most impressive features are these: each chapter begins with a clear topical outline of its contents; the treatment of legal questions is comprehensive in scope and of admirable quality; controversial issues get the extended analysis they usually deserve; and every chapter closes with a select bibliography. If any serious criticisms could be advanced, they would run in terms of the desirability (a) of an even fuller discussion of municipal finance and (b) of a closing chapter summarizing trends and issues. All things considered, however, it is likely to be a long time before anyone writes a better book on American city government.—JOHN A. VIEG.

Julia E. Johnsen has compiled recent materials on the question, *Should the Communist Party be Outlawed?* (H. W. Wilson, 1949, pp. 313, $1.50). The general discussion opens with an article from the *Stanford Law Review* summarizing present statutes and proposals for controlling Communists. Several of the selections do not deal directly with the issue, but are germane because they consider whether the CP is Moscow-controlled, whether it seeks violent revolution, and other questions relevant to the issue. This cannot be said for all of Part I, which is a catch-all for articles concerning the CP and the wisdom of witch-hunts. For example, inclusion of Emerson and Helfeld's article (pp. 24–31) is *ignoratio elenchi*, for the authors ignore the issue and deal with the loyalty of government employees instead. Part II, presenting the affirmative, includes the arguments of Harold E Stassen, William Henry Chamberlin, Morris Ernst, and others. There is no selection coming to grips with the constitutional problem. Ober's brief (pp. 136–145) is no answer to the excellent article (pp. 224–237) from the *Lawyers Guild Review*. Ober argues that outlawing the CP is (or should be) constitutional, cites precedents to the contrary, and scolds the Roosevelt Court for developing these precedents. Part III presents the case against outlawing the CP. The authority of Governor Dewey, William C. Bullitt, Roger Baldwin, and others is given to this position. Here again is *ignoratio elenchi*. For example, Professor Commager's excellent article (pp. 197–207) protests harassment of *non-Communist* liberals. Miss Johnsen's first-rate bibliography suggests that she could have selected articles more germane to her question.—RUTH C. SILVA.

Most commonly, a book of readings for the course in American government emphasizes documents, court cases, and the more scholarly essays. In their *Outside Readings in American Government* (Thomas Y. Crowell Co., 1949, pp. x, 854, $2.75), H. Malcolm MacDonald, Wilfred D. Webb, Edward G. Lewis, and William L. Strauss present a supplementary work emphasizing materials of a lighter nature with more popular appeal. Many articles on issues in our time, and somewhat strongly slanted, are introduced, apparently to bring vitality into the subject, but which, with omission of other materials

with perhaps less appeal, yet more substantial, may distort the student's perspective of the governmental problem. To present materials with a dramatic flare definitely to appeal to interest may introduce more of the realistic in government and may serve to motivate in teaching; also it may present the problem of espousal of a cause which may not be effectively kept in balance by either printed denials or even by supposed juxtaposing of articles with opposing viewpoints. It is believed, however, that the compilers of this work have presented materials which, when handled with ordinary care, do maintain a proper balance and are stimulative of interest and thought. The question of determining what selections to include in such a work is an ever-sobering one. The compilers here have put themselves on the defensive as much by their exclusions as by their inclusions. The selections are on the whole a welcome contribution to this type of supplementary work. The second printing presents a brief introductory note for each selection, but omits a chapter, "Supplement on Texas," appearing in an earlier printing and presented presumably for those using the book in that state. The general arrangement of topics follows the pattern commonly found in standard textbooks on the subject, and the index is essentially a listing of the topics included.—H. C. Cook.

The *Guide to the Materials in the National Archives, 1940*, listing or describing some 200,000 cubic feet of records acquired by 1940, is superseded by *Guide to the Records in the National Archives* (Government Printing Office, 1948, pp. xvi, 648, $2.50), which more fully describes some 700,000 cubic feet, and in Appendix A briefly describes 100,000 additional cubic feet of records acquired to June 30, 1947. *National Archives Accessions* briefly describes quarterly the records received since that date. Listings include maps, motion picture films, still pictures, and sound-recording units, as well as papers and documents from the beginning of our government down to 1947. They are listed by "record groups," which is defined as a body of records constituting a convenient unit usually of the bureau type or of that level. The first 190 record groups were numbered in the order of being received; subsequent ones in the order of being established. Descriptions provide information as to type, subject content, chronological span, and quantity, but represent no attempt at completeness in the records, indexes, and registers, or other devices which may facilitate use. The amount of information may bear no relationship to quantity or value for use. Descriptions are general and not always easily understood. Helpful references are given, and appendices describe restrictions and present a classified list of record groups, which, with the index, should be helpful to the researcher who may use the *Guide*.—H. C. Cook.

In *Fit Surroundings; District Homes Replace County Almshouses in Virginia* (Department of Public Welfare, Virginia, 1948, pp. 174), Robert H. Kirkwood has produced a very useful monograph. The Bureau of Public Administration of the University of Virginia coöperates in its presentation. A comprehensive

study of the history of poor relief in Virginia is followed by a detailed description of the organization and service of each of the four district homes in the state. The Manassas District Home, opened in 1927, was the first consolidated county home for the care of the poor to be established in America. Waynesboro and Dublin Homes were set up in 1928. Chatham Home was ready in 1929. Thirty-five tables, with interpretations, provide extensive data on the cost and functions of each institution. Similar current information for the thirteen county almshouses and nine city homes which still serve three-fourths of the state would add a useful basis for comparisons. In the final chapter, the author points out the need for eight additional homes to provide state-wide coverage. He concludes that the care of the indigent and the chronically ill must be considered as a single problem. If the local units do not meet it, the need will be met in Richmond or Washington. Similar studies, in other states, would be welcome.—Mona Fletcher.

John C. Calhoun, Nullifier, 1829–1839 (Bobbs-Merrill Co., 1949, pp. 511, $6.00), the second of Charles M. Wiltse's projected three-volume biography, is a scholarly account of a fascinating period of American history. Of especial interest is the author's characterization of the prominent men of the times. Van Buren is portrayed as a crafty politician, practically devoid of statesmanship, and Clay and Webster also suffer considerably in comparison with Calhoun. Andrew Jackson, it appears, had neither a consistent policy nor an intelligible political philosophy, but was guided entirely by opportunism and prejudice. Among other points of historical interest, one finds interpretations of the political significance underlying the Eaton affair and the selection of Jackson's cabinet that place Calhoun in a somewhat different light from that in which he has stood heretofore. Like his first volume, *John C. Calhoun, Nationalist, 1792–1828*, Mr. Wiltse's second volume is a work of distinction. It has an attractive style, and the conclusions drawn are supported with persuasive evidence.—J. S. G. Carson.

Professor Edward S. Corwin has joined with Professor Jack W. Peltason of Smith College in writing a companion book to his classic, *The Constitution and What It Means Today*. The new book is named *Understanding the Constitution* (New York: William Sloane Associates, Inc., 1949, pp. 147, $1.35). The two books are of approximate size and format and use the same system of topical divisions, and on major subjects they inevitably overlap each other. They are, however, distinguished by the emphasis in the new volume upon governmental usage, and by the absence of the apparatus of cases. The book is written in language clear and sharply cut to the point of brilliance. It should give valuable service to those who want to understand the constitutional bases of the federal government without having to concentrate upon the course of judicial doctrine. —Percy T. Fenn, Jr.

FOREIGN AND COMPARATIVE GOVERNMENT

In *A Liberal Attorney-General* (London: James Nisbet and Co., 1949, pp. vi, 241, 15s), George W. Keeton, an English law professor, by his treatment of three topics makes his book of special interest to students of British political and legal institutions. The twenty pages of Chapter VIII present an excellent *précis* of the history of the offices of Attorney-General and Solicitor-General (G.B.) and of the present responsibilities of the Law Officers of the Crown. The story of Sir W. S. (later Lord) Robson's work in the Liberal governments of 1906–1910 provides a worthwhile survey of a great many of the important measures that either were enacted into law or that floundered in Parliament during that significant period. The full chapter devoted to the Trades Disputes Act of 1906 is of special interest for the excellent background that it gives of that important measure, more than for what actually happened in its not very difficult journey from bill to statute. This book is not of primary value for its presentation of one of the important figures of British public life during the first decade of the twentieth century. Robson does not emerge from these pages as a living person—at least not until the last half-dozen pages are reached. The author has chosen to write a biography that is laudatory in the extreme, but for some reason the reader is given only occasional glimpses of Robson as a man. In a footnote we are told that he registered a bet at Brooks (which he lost) on what the Lords would do to the Liberal budget of 1909. We also discover that he had the ingenuity and sense of humor to get through a throng of hostile suffragettes picketing one of his meetings by threatening to kiss the first one who touched him ("and the crowd promptly dispersed"). One wonders how so faultless a man could have developed the warm friendships that were Robson's. In writing of him a generation after his death, Lloyd George mentioned what "a joy it was to work with him." Asquith spoke of his "deep affection" for Robson, and others commented on his "ever-flowing wit" and brilliant talk. Reading this biography may stir one's desire to know more of the sort of man Robson was, this politician who was willing to serve as assistant to men less able than he and to ruin his health completely within five years in the doing.—CHARLES AIKIN.

In *Financing Canadian Government* (Public Administration Service, 1949, pp. 367, $5.00), A. E. Buck has produced the same meaty type of publication as his earlier works on public budgeting and state reorganization. This book is not alone concerned with the special tax problems that have beset Canadian federalism, but delves deeply as well into the experiences of Canada with financial controls, debt administration, and administrative organization. Canada's wartime finance and controls are discussed in a chapter packed with facts. The history of fiscal relations between the Dominion government and the provinces is traced in a lucid manner and includes the most recent discussions and proposals. The arrangements involving Canada's newest province, Newfoundland, are also discussed. In chapters devoted to provincial finance and municipal finance, the author manages to include very clear descriptions of

fiscal structure, budgetary and accounting control procedures, purchasing and personnel organization, and the general framework of government. The method employed throughout is descriptive, but a wealth of material is woven in to carry the book far above the level of most works concerned with description of governmental machinery and procedures. The author has said his purpose was to explain the Canadian governmental fiscal system to readers south of the border. He has succeeded in producing a solid and readable book. But he has accomplished more than his stated purpose. Particularly with respect to fiscal control machinery and procedures, he has also given an excellent comparison of British, Canadian, and United States experience. Throughout the book, he takes pains to compare Canadian and United States methods and institutions. The British parliamentary Committee on Public Accounts comes in for its full share of praise, as does the British interpretation of the distinction between accounting and auditing. Indeed, Canadian practice is chiefly criticized because the Dominion House of Commons' Committee on Public Accounts has failed to live up to the vigorous record of its British cousin. On the other hand, the Canadian treasury board, together with the cabinet responsibility for financial planning, provides elements of strength and unity not possible under the American presidential system. Several of the author's "Canadian suggestions for American improvement" are found in substance in his report to the Commission on Reorganization of the Executive Branch. The financial problems arising from the federalism developed by the two countries are not discussed in detail, but the methods used in meeting them are analyzed. Readers will find the bibliography and index quite useful. This is a good addition to a growing list of treatises on government in Canada, and to a similarly expanding list concerned with comparing administrative machinery and practices of modern governments.—WINSTON W. CROUCH.

Hartley Kemball Cook's *The Free and Independent* (George Allen and Unwin, 1949, pp. 191, $2.50) contains a miscellany of historical information on English election practices. The work does not purport to be either a comprehensive chronicle of the growth of the suffrage or a profound analysis of the social and economic factors that have influenced the parliamentary electoral system. Instead, Mr. Cook has been content to sketch, rather episodically, some of the more striking characteristics of English voting practice beginning with the days when the knights of the shire were first summoned to attend the king's parliament. The gradual extension of the suffrage receives a major share of attention, and the election practices of the twentieth century are contrasted favorably with the bribery and corruption of previous times. On this score, Mr. Cook does not introduce any new information or any especially illuminating commentary. However, his work does emphasize the recency not only of universal suffrage, but also of the already "traditional" British honesty in the conduct of elections. The stamping out of corruption, it seems clear, can be said to have begun only in 1884. The rapid progress since that time toward the present high standards of English election practice might give hope to American

reformers who are still appalled by bribery and fraud at the ballot box. Actually, Mr. Cook makes no such implication, nor is he primarily concerned with drawing lessons of any kind from his study. The author tells his story of elections lightly and entertainingly, and in this he is aided by the inclusion of fourteen political cartoons. The bribery and corruption of the eighteenth century are sufficiently gross and sufficiently remote to be diverting rather than revolting.—LEON D. EPSTEIN.

A welcome contribution to the scarce literature on government in Ireland is Frederick Charles King [ed.], *Public Administration in Ireland*, Vol. II (Dublin: Parkside Press, 1949, pp. vi, 252, 10/6). This volume is a collection of lectures delivered under the auspices of the Civics Institute of Ireland to students in the Dublin University Public Administration Diploma course by top administrators in their respective fields. The volume, although supplemental to Vol. I published in 1944, contains material presented in the earlier publication, which, however, has been revised and brought to date. A point of particular interest is the chapter on industrial relations, revealing the rather complex organization directed at mediation of industrial disputes channeled through joint labour committees—appointed by the Labour Court and including independent members from outside the trade—and joint industrial councils composed of representatives of employers and workers. Furthermore, the reader will find the chapter on statutory corporations exceedingly informative. Similar to British public corporations, these constitute an attempt to solve the perennial problem of contemporary governments of maintaining the efficiency of private management in face of the increasing degree of nationalization of public utilities and key industries. The chapter on central control of local-government administration demonstrates the transition from an initial period of rigid supervision by the central government to a steadily progressing decentralization made possible by the attainment of a sufficient degree of administrative homogeneity throughout the country. The civil service, although referred to in various chapters, is not treated topically. On the whole, this is a good descriptive presentation which the beginning student of government in Ireland will find helpful.—PETER J. FLIESS.

Originally written by Professor Hisamatsu Sen-ichi as Prince Konoye was beginning his imperial rule assistance movement, *Kokutai no Hongi* ["Cardinal Principles of the National Entity of Japan"] (Harvard University Press, 1949, pp. viii, 200, $4.00), has been translated by John Owen Gauntlett and edited with an introduction by Robert King Hall. The clarity of the translation makes this brief but comprehensive exposition of the national cult a literary work of charm and interest. Having been distributed officially to teachers by the ministry of education, it suffered specific inclusion in General MacArthur's directive against Shinto. However, the reader is impressed by the comparatively moderate tone of the writing and the abstention from overt militarism or imperialism. In the first paragraph of the introduction, we read: " . . . the

various phases of our civilization have made remarkable strides through the introduction of modern European and American civilization." The book was written, not to condemn Occidental culture, but to point a way out of the confusion engendered by rationalism and individualism—to which the author definitely attributes the rise of socialism, communism, and fascism—by retouching the portrait of Japan's own way of life with a brush dipped in moonlight. The book is arranged in ten chapters, the first four on the national entity, the others on the manifestation of the national entity in history. The mythical foundation of the country is retold as "stories"; the sacred virtues of the god incarnate emperor, the duties of subjects, and harmony and truth as peculiarly Japanese ideals, are simply and effectively expounded. With bland disregard for facts which the author himself subsequently records, Japan's history is said to exhibit "reformations but no revolutions," to begin and end (has it ended?) with the "national entity." Chapters on the homeland, the people's life, character, rites, culture, economy, government, and military system are of slight value as factual summaries, but highly enlightening as examples of propaganda. The book as a whole exhibits the Oriental inclination to state as fact what is known to be as yet unrealized but is believed to be capable of realization. Its publication in translation, with an explanatory introduction, footnotes, and seven appendices, is a valuable contribution to our understanding of mass psychology in Japan.—HAROLD S. QUIGLEY.

The centennial celebration of the German National Constitutional Assembly of 1848 has been the occasion for searching inquiries into its ideas, methods, and often the reasons for its dismal failure to bring about the unification of Germany on a democratic basis. In his *Staat, Bürger, Mensch; Die Debatten der deutschen Nationalversammlung 1848/1849 über die Grundrechte* (Aaruu, Switzerland: Verlag H. R. Sauerländer and Co., 1947, pp. 136), Dr. Herbert A. Strauss, of City College of New York, has provided a careful examination of the debates of the National Assembly on the "rights of man"—the first such made in a hundred years and based on the shorthand reports of that body's proceedings. The study analyzes in detail the ideas and arguments presented both by parties and by individuals in that parliament of the "mad year" 1848 on suffrage, federalism, the right to work, state and church, equality, compulsory and general military service, emancipation of Jews, "habeas corpus" (this term was generally used in the debates), freedom of religion, assembly, the mails, press, and organization, etc., and the interplay of general principles and special interests back of them. The study is thorough and carefully documented with a wealth of details and a plethora of names. Its appeal will be to the student specializing in the history of political ideas in general, and of the development of German politics in particular.—JOHN BROWN MASON.

INTERNATIONAL LAW AND RELATIONS

In *The Realities of American-Palestine Relations* (Public Affairs Press, pp. viii, 378, $5.00), Frank E. Manuel has done the best job yet in portraying the

essential ambiguities, conflicts, and insolubility of the Palestine problem until it was solved by force. The British were not always clear or agreed on what they wanted in Palestine. The Jews, from the earliest days, were even less agreed on the place of the Jewish community in Palestine and on the meaning of Zionism. Weizmann himself at the time of the Paris Peace Conference was ambiguous, apparently not having any early desire for a Jewish state. Most ambiguous of all was the position of the United States. The State Department held fairly consistently that Palestine was none of our legal business. Congress, with one eye on its constituency, was favorable to Zionism; while Wilson and Franklin D. Roosevelt were so inconsistent or ambiguous that no single statement of either on the Palestine question could be taken at face value without seeing if a subsequent statement did not contradict it. Not until Truman did this country take any responsibility in the matter, and even then we reversed ourselves in and out of the United Nations until the answer came by force of arms. Manuel himself verges on what he calls the exaggeration of the importance of oil. For the most part, he over-emphasizes also the importance of the missionaries in the Near East in opposing Zionism. His criticism of our post-World II strategy is very pointed. He fails to mention Dr. Bunche, and he dismisses the problem of the Arab refugees by saying repatriation is not feasible and that the United States should implement their resettlement in Transjordan. Scholars wishing to analyze the evidence for some of the statements will bemoan the lack of footnotes. But the odd-shaped pieces of the jig-saw puzzle are described here better than in any foregoing volume.—WILBUR W. WHITE.

The simultaneous birth of a Jewish state and a *Jewish Yearbook of International Law, 1948* (Jerusalem: Rubin Mass., 1949, pp. xv, 304, $8.00) is not a matter of accident. It is rather the conscious recognition, at least on the part of the editors (N. Feinberg, associate professor of international law and relations, Hebrew University, Jerusalem, and J. Stoyanovsky, *docteur en droit*, Paris) that the two are so interrelated that a proper appreciation of one presupposes an understanding of the other. That there has been a "Jewish Question" cannot at this late date be challenged. But whether that question has had implications and repercussions in international law has perhaps not been as obvious. The purpose of the editors, therefore, has been a conscious study of the past "unique position of the Jewish people in a series of articles, notes, and documents" evaluating the "problems, aspects, and interests" of these peoples "as they existed on the eve of the establishment of the Jewish State," when, of necessity, they were the "object, never the subject, of international law." The range covered by these articles ("The Recognition of the Jewish People in International Law," "Law and Policy under the Palestine Mandate," "Reparations and Restitution in International Law as Affecting Jews," "Crimes Against Humanity—Some Jewish Aspects," to cite just a few) is tremendous, while the list of contributors (H. Lauterpacht, Hans Kelsen, Benjamin Akzin, Marc M. Vishniak, etc.) is a veritable Who's Who of international law. With the exception of Hans Kelsen's article on "Collective and Individual Responsibility for

Acts of State in International Law," the articles are all devoted to the "study of questions of international law affecting or of particular interest to the Jewish people." Viewed in its strictest aspects then, this volume will of necessity have a limited appeal. Viewed more broadly, as indeed it should be, it is a case study of a larger problem—that of a minority group with distinct national characteristics—and on that account should have a much wider audience. The editors make no promise for the future, not even that another volume will be forthcoming, leaving it rather to "time to determine" what shall be done. But now that the past history of the "Jewish Question" has been so well presented, it would be a shame to lose the sense of continuity that could be achieved on the subject with the harassed people now in their own state and for the first time "subjects of international law."—BENJAMIN M. ZIEGLER.

In *Les fondements de la politique extérieure des États-Unis* (Paris, Librairie Armand Colin, 1949, pp. 204), by André Allix, Raymond Guillien, Jacques Lambert, and Robert Pelloux, the rector and three members of the law faculty of the University of Lyons have collaborated in a symposium whose object is to clarify for French readers the springs of American foreign policy. While all four contributions make interesting reading, two are not particularly helpful. These are the opening essay, which, purporting to describe the natural environment where the peopling of America took place, suffers from some of the faults of mediaeval scholasticism; and the final chapter, a study of James Burnham's polemics on foreign policy, whose proper place, if any, would be, as the author admits (p. 203), in a discussion of political theory. The third essay, a review of the history of American foreign policy, is considerably more valuable. It is the author's thesis that only through American interest in the Pacific, whose watery plain is held to be but the extension of the American frontier and its occupation the final phase of the Westward Movement, did a national foreign policy evolve. But a novel construction is placed upon a good many of the events discussed in support of the thesis. By all odds the most important contribution would seem to be that of Professor Lambert, who in the second chapter of the book considers the formation of American attitudes in matters of foreign relations. No sounder, and at the same time no more reassuring, analysis of American motivation in foreign affairs could be offered, it seems likely, to a harassed and perplexed European public. Explaining American policy in the light of the perhaps unique control exercised by a public opinion whose often contradictory attitudes become intelligible only with a knowledge of the conditions under which the American people grew into a nation, Professor Lambert succeeds in making American action in the world scene appear a good deal less enigmatic or arbitrary than many foreign observers believe it to be. By and large, he has done so with means which Frederick Jackson Turner would have approved and with results that Goeffrey Gorer could accept. One wishes this essay were more available to the American public.—JAMES T. WATKINS, IV.

In *The Allied Occupation of Japan* (Stanford Press, 1948, pp. 155, $3.00),

Edwin M. Martin, formerly Chief of Occupied Area Economic Affairs of the Department of State, has given us a succinct and comprehensive sketch of the fundamental problems involved in the occupation of Japan. The factual material used covers the period through 1947. Introducing each chapter with a pertinent extract from the Potsdam Declaration of July 26, 1945, and one from the Presidential Policy Statement sent to SCAP on September 6, 1945, Mr. Martin covers an array of topics which takes in the formulation and execution of occupation policy, demobilization, demilitarization, disarmament, war criminals, reparations, territorial changes, and political, social, and economic reforms. It is with particular reference to the economic reforms—the reorganization of economic institutions, the development of labor organizations, agrarian reform, and the operation of the economy as a whole, both domestic and foreign —that the author presents (though not detracting from the value of other sections) a most cogent and incisive analysis of those problems, the solutions of which are the *sina qua non* of the political and social aims which the occupation hopes to attain. The author has rendered a great service to students who wish to have a very readable and compact book for understanding the basic facts on the occupation of Japan. It is only hoped that when all the tumult and shouting are over, the author will give us the benefit of his wisdom and experience in "an appraisal of the successes and failures of the Allied occupation of Japan" which he tantalizingly tells us in his preface was not the aim of the present book.—WILLIAM B. BALLIS.

Herbert Read is a Platonist and a pacifist—which brings this reviewer into immediate disagreement with him on two counts. His *Education for Peace* (Scribner, 1949, pp. 166, $2.75), however, is a provocative and closely written appeal for a basic change in our educational system as a prerequisite for a peaceful world. Read believes current educational practices are partitive and accentuate the sense of social division. Present-day emphasis on the "scientific" approach and the "objective" spirit in teaching he finds inadequate because it excludes the whole province of moral values. Modern education, he believes, fails to capture the imagination and sufficiently involve the emotions. It is too abstract, too morally passive. In his new approach, Read would emphasize group participation and the fullest development of the individual as a social person. He would inculcate discipline by a liberal education in the arts in their broadest sense, by stress on aesthetic harmony, and through a morality based upon the positive pursuit of the good rather than the restraint of evil. Read firmly believes that the problem of the solidarity of mankind will not be solved by the UNESCO approach through objective news or objective history texts. There must be, in his opinion, a basic agreement on values, and education must provide for a blending of the intellectual and the moral. He recognizes that his proposed solution would require years and that there may not be time for the slow process of the new education to prevent another cataclysm. This reviewer would go further; for in his opinion Mr. Read's kingdom is not of this world. For the present, he offers pacifism—specifically, passive resistance on the

style of Gandhi—a pacifism which he endeavors to base on reason rather than established religion. We must, he says, divest ourselves of armed power, for it can only corrupt us. Conscription should be resisted, for standing armies really stand only against those from whom they are raised. This reviewer has insufficient space to rebut Mr. Read's theses or to challenge, as he does, many of Read's historical judgments and philosophical assumptions. The book will undoubtedly provoke persons of this reviewer's persuasion to slay these dragons themselves.—WILLIAM J. RONAN.

The problem of neutrality, and particularly of its compatibility with the Charter of the United Nations, is the main concern of the thoughtful book *Neutralité* (Paris: Editions A. Pedone, 1949, pp. 185), by Isidro Fabela, the well known Mexican international lawyer and member of the International Court of Justice. The first two parts, completed in June, 1940, deal, respectively, with the history and the different kinds of neutrality, the neutrality legislation of the American Republics, including the United States, both before and after the outbreak of the war in September, 1939, and the bearing of the League of Nations Covenant on neutrality. The final remarks are devoted to an appreciation of the future of neutrality in the light of war and post-war developments. Briefly, the author's position is that neutrality in the classic sense can be assumed no longer by any of the Great Powers. "In the modern world," says Judge Fabela, "neutrality which we would call 'realistic' cannot be complete passivity in spirit and action." Thus the United States before Pearl Harbor was not neutral. It was in a state of 'pre-belligerency,' a characterization which appears more attractive and, in retrospect, more appropriate than that of 'non-belligerency.' Turning to the concept of collective security embodied in the League of Nations Covenant and the United Nations Charter, the author contends that it is incompatible with neutrality. Even if one does not wholly agree with the view that the Charter contains, or is based on, the principle of collective security, he is bound to admit that the obligations devolving upon members of the United Nations can hardly be assumed by states desirous to remain neutral in case of conflicts in which the Security Council is able to take action. Thus Switzerland, if it desired to join the United Nations, would have to abandon its traditional neutrality in exchange for collective security.—LEO GROSS.

The *Yearbook on Human Rights for 1947* (United Nations, 1949, pp. xiv, 581, $6.00) is the second annual volume to be published by the U.N. Secretariat following a resolution of the Economic and Social Council which requested the Secretary-General to arrange for publication of pertinent texts. The 1947 edition is divided into three parts. Part I reproduces national constitutional provisions and laws on human rights adopted in 1947 throughout the world. Part II contains clauses concerning human rights which are incorporated into the international agreements. Among the latter are the peace treaties with the former German satellite countries and the U. N.-sponsored trusteeship

agreements. Part III is devoted to the activity of the United Nations with regard to the promotion of human rights. It reviews, in detail, the work accomplished by the General Assembly, the Economic and Social Council and its subsidiary Commissions on Human Rights and the Status of Women, the Trusteeship Council, and the Secretariat. While there is no doubt that such a compilation of texts and documents may have its useful value in an age when human rights are so much in the forefront of international discussions, the reader is somewhat overwhelmed by what may seem like an overflow of rather irrelevant and repetitious material. In the 1947 volume, he thus can find a text on human rights of the "Free and Sovereign State of Chihuahua" of May 25, 1921, with subsequent amendments, but is unable to learn anything about the existing legislation in Belgium. Such serious lacunae make one wonder whether it would not be more advisable to publish a complete encyclopaedia on human rights rather than a yearbook and, as years go by, add to it supplements containing truly relevant changes in national legislation and international agreements.—GEORGE LENCZOWSKI.

For anyone interested in the Nürnberg Trials but lacking either the time or the inclination to wade through the more complete and exhaustive "Proceedings" as set forth in the official records, *The Charter and Judgment of the Nürnberg Tribunal* (U. N., 1949, vol. 7, pp. 99, $0.75) is a must. Here in the form of a memorandum submitted by the Secretary-General of the U. N. to the General Assembly in compliance with a resolution adopted by that body (177, II, 21 November 1947) is a brief and authoritative history and analysis of the trials from the time of the Moscow Declaration of 1943 wherein "the determination of the Allies to punish the major war criminals of the European Axis first found expression" to the rendering of the judgment and sentence on October 1, 1946. But what gives this small volume its real importance is that the history and analysis are not done in a vacuum or as an exercise, but rather are directed toward a specific goal: the formulation of "the principles of international law recognized in the charter of the Nürnberg Tribunals and in the judgment of the Tribunal," which in turn are to serve as the basis for a "draft code of offenses against the peace and security of mankind" on which the states of the world can act. And as the Chief of Counsel for War Crimes, Brigadier General Telford Taylor, points out in his excellent summary of the Nuremberg Trials (International Conciliation Publication of Carnegie Endowment for International Peace, No. 450, April, 1949), act they must; for "Nuremberg is a historical and moral fact with which, from now on, every government must reckon in its internal and external policies alike."—BENJAMIN M. ZIEGLER.

The United Nations program of technical assistance and President Truman's Point Four make it particularly important that all concerned be clear as to what it is that we propose to export under the label "technical aid." I have seen earnest American administrators of ECA baffled, hurt, and perplexed by the apparent failure of European officials and industrialists to sense the urgency

of applying American "know-how." Pearl Franklin Clark, in *The Challenge of the American Know-How* (Harper, 1948, pp. xiii, 172, $2.50), reflects in human terms on the true significance of the twelve years during which she watched her husband, a distinguished management consultant, insinuate American know-how abroad, despite class stratification in Poland, where the best worker could not be made a foreman because he was a peasant, and despite the brilliant theoretical plans of French graduates of the *Polytechnique*, who would impose "efficiency" from the top down. Mrs. Clark's unpretentious story is encouraging evidence that leaders with other cultural backgrounds can be excited to grasp the central meaning of American know-how: to build from the bottom up, with the creative participation of all those involved in the enterprise.—CHARLES S. ASCHER.

POLITICAL THEORY AND MISCELLANEOUS

Liberty, one of the most pliable concepts in politics, can be made to serve both noble and base ends; this depends upon where restraints are placed, and why they are placed there and not elsewhere. The question is eloquently discussed by Harold J. Laski in *Liberty in the Modern State* (Viking Press, 1949, pp. xi, 175, $2.75), a well-known essay now considerably revised to account for post-war developments. Laski is still concerned with the economic prerequisites of liberty, as he was in 1930, but his emphasis has increasingly shifted to the moral demands of individuality which the broadest possible freedom alone can satisfy. Perhaps disillusionment with the Russian experiment, where socialism has become nationalist totalitarianism in Marxist rags, has contributed to making his "perspective of the central principles of this book more fully adapted to the experiences through which we have passed." The essay is an amalgam of Karl Marx and John Stuart Mill, but this time Mill has won out. The eminent readableness of Laski's book contrasts sharply with F. A. Harper's *Liberty; A Path to Its Recovery* (Foundation for Economic Education, 1949, pp. 159, $1.50). Written in that elementary style often foisted upon "popular readers," this "path" recovers only Hayek's *Road to Serfdom;* and its fuzzy definitions, contradictions, misquotations, and antiquated economics will neither substantiate the prejudices of those who already agree with the author nor alter the convictions of those who disagree. The freedom held basic to all others is the individual's unrestrained right to whatever he produces. Taxes thus eternally threaten liberty, and government is tyrannical whenever it spends for purposes of which the taxpayer does not approve. But if, as the author has earlier admitted, individual consciences are ultimate judges of liberty, it is clearly possible that public expenditures may embrace purposes which substantial portions of the community believe to be essential to liberty. Do we break heads or count them? But from confusion confounded comes no alternative, the author's excuse for its omission putting him in the position of a man who opposes murder but is unwilling to prevent murder from being committed. This "factual" attack on the modern welfare state suggests that one man's "education" is simply another's propaganda.—NELSON E. TAYLOR, JR.

In this age of insecurity, those who yearn for order and normalcy might clarify their thinking by study of F. E. Dessauer's *Stability* (Macmillan, 1949, pp. 273, $3.50). Difficult to define because it is associated with feelings and ideals, stability is here regarded as "the continuity of existing social and political conditions." Constantly at issue with progress, stability has a much older history. In modern times, it has been used as a principle for the restoration of Europe by Metternich and as the ultimate purpose of the economic theories of Marx. The Roman Catholic Church invoked the stability of an eternal order in declaring papal infallibility, while the great powers sought to establish the status quo in international law and the League of Nations system. But societies can remain stable only "as long as variations do not frighten people." In this age of rapid change, stability must be created by man, either through a balance of forces or through integration. The problem, however, is to reconcile these techniques with democratic principles. In economic life, both capital and labor today prefer stability to risk and change. Experiments with private stabilization through monopoly and with comprehensive stabilization through totalitarian planning have not been happy or successful. The author feels that government control of key conditions to support employment and income may be a solution with less unfortunate implications. He is more gloomy over prospects for stability in international affairs. The inability of the United Nations to achieve its objectives for world order lead him to suggest a balance of power as more suited to the present stage of development. Although the book is handicapped by abstruse writing and a confusing organization of material, its message is timely and based upon a good understanding of the central thesis.—ALBERT G. HUEGLI.

How Secure These Rights? Anti-Semitism in the United States in 1948; An Anti-Defamation League Survey (Doubleday and Co., 1949, pp. vii, 215, $2.00), by Ruth G. Weintraub, is based upon materials collected during 1948 by the Anti-Defamation League of B-nai B'rith. Chapter 1 contains a summary of gains and losses in civil rights for minorities in 1948. Succeeding chapters deal with discrimination, primarily against Jews, in public and private housing, resorts, social organizations, admission to colleges and to the professions, and in public and private employment. Anti-semitic organizations and individuals of prominence are listed, and their practices are described. Numerous tables and charts appear throughout. Appendices, comprising 88 pages, contain an analysis of state laws barring discrimination by places of accommodation; potentially discriminatory questions in application blanks, and statutory requirements for admission to the practice of five professions; and a model fair employment practices bill. This book is an attempt to identify patterns of discrimination, though its treatment of discrimination against minorities other than Jews is only incidental. Within its somewhat limited scope, it supplies worth-while information concerning anti-semitism in the United States.—J. S. G. CARSON.

Professor A. L. Goodhart's 1948 Cardozo Lecture before the Association of the Bar of the City of New York (*English Contributions to the Philosophy of Law*, Oxford Univ. Press, 1949, pp. 44, $1.50) carries an old theme to a familiar conclusion. The pragmatic virtues of the common law have been reflected in the legal writings of English scholars with a generally salutary result for legal philosophy. Since the occasion hardly invited the making of fine distinctions, it would be captious to dwell on the author's failure to distinguish between the "pragmatism" of such diverse quantities as Burke and Bentham. But this fact will be enough to apprise the reader that English contributions to legal philosophy are herein sufficiently generalized to avoid entanglement with political philosophy. Nor does Professor Goodhart stray far from the beaten path in his references to specifically legal institutions. On p. 25, however, there is an interesting attempt to correlate the lack of a trust concept in the Roman law with the presumed inability of Continental political thought to follow Locke's compromise between unlimited government and democratically responsible government. One suspects, nevertheless, that the distinguished Oxford professor of jurisprudence must have indulged some important mental reservations at this point. Trusteeship as a device for subjecting the formal owner of property to judicial direction in its use for the benefit of another may be a distinctively English conception. But *quaere* whether the lack of a trust concept in this restricted sense has handicapped Continental thinkers in applying a broader notion of trusteeship to the control of governmental power. For the rest, Professor Goodhart *did* give his audience (and the reader is given the additional advantage of adequate documentation) a pretty straightforward summary of common law presuppositions. Moreover, his defense of the common sense of even the "stuffiest" of the conservatives is both spirited and telling.—KENNETH C. COLE.

David Thompson's *Equality* (Cambridge University Press, 1949, pp. vi, 159, Current Problems, No. 29, $1.25) undertakes to examine and to reassert the claim of the concept of equality as a basic part of the democratic creed. Defining equality negatively to exclude identity, sameness, or uniformity, he argues that liberty and equality were concomitant forces in the development of democracy. He maintains further that the separation of the two concepts arises from a falsification and misunderstanding of the true requirements of equality. A proper reuniting of the two ideas, he holds, will result in a more truly democratic society in which the spirit of interdependence and coöperation is given proper scope along with independence and individual enterprise. The achievement of legal, political, and religious equality is discussed, as also variations in the equalitarian traditions of the various Western nations. Demand for economic equality is asserted to involve no necessary conflict with other democratic ideals. The implications of the assertion of equality between states are examined. Although not involving the introduction of new materials, and written for popular rather than professional attention, Mr. Thompson's book presents

his theme with relevance and clarity in a highly compassable essay.—FRED V. CAHILL, JR.

The first edition since 1841 of Thomas Hobbes' *The Citizen* (Appleton-Century-Crofts, 1949, pp. xxxi, 211, $1.75) follows Hobbes' English translation of 1651, to which the editor, Sterling P. Lamprecht, attributes "equal authority with that of the original Latin" of *De Cive*, published in 1642. Although spelling and punctuation have been modernized, many passages of Hobbes' Latinized and unidiomatic English are likely to prove unintelligible to a reader unfamiliar with Latin constructions. The present reviewer agrees with those who regard *De Cive* as merely a preliminary draft of the exposition later immortalized in the *Leviathan*, which was written directly in English and published in 1651. She cannot share Professor Lamprecht's opinion that, whereas much of the *Leviathan* is outmoded, "*The Citizen* . . . remains a definitive statement of one of the great interpretations of the social and political life of mankind." The omission of four chapters from the new edition somewhat lessens the usefulness of the volume in a university library. The reader is left wondering how Hobbes proved that "a Christian city and a Church . . . are the same thing"—or seeks the answer in the *Leviathan*.—MARGARET SPAHR.

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